

SECOND REGULAR SESSION

HOUSE BILL NO. 1625

103RD GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE HALEY.

5279H.011

JOSEPH ENGLER, Chief Clerk

AN ACT

To repeal sections 579.065 and 579.068, RSMo, and to enact in lieu thereof two new sections relating to offenses involving the trafficking of drugs, with penalty provisions.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Sections 579.065 and 579.068, RSMo, are repealed and two new sections
2 enacted in lieu thereof, to be known as sections 579.065 and 579.068, to read as follows:

579.065. 1. A person commits the offense of trafficking drugs in the first degree if,
2 except as authorized by this chapter or chapter 195, such person knowingly distributes,
3 delivers, manufactures, produces or attempts to distribute, deliver, manufacture or produce:

4 (1) More than thirty grams of a mixture or substance containing a detectable amount
5 of heroin;

6 (2) More than one hundred fifty grams of a mixture or substance containing a
7 detectable amount of coca leaves, except coca leaves and extracts of coca leaves from which
8 cocaine, ecgonine, and derivatives of ecgonine or their salts have been removed; cocaine salts
9 and their optical and geometric isomers, and salts of isomers; ecgonine, its derivatives, their
10 salts, isomers, and salts of isomers; or any compound, mixture, or preparation which contains
11 any quantity of any of the foregoing substances;

12 (3) More than five hundred milligrams of a mixture or substance containing a
13 detectable amount of lysergic acid diethylamide (LSD);

14 (4) More than thirty grams of a mixture or substance containing a detectable amount
15 of phencyclidine (PCP);

16 (5) More than four grams of phencyclidine;

17 (6) More than thirty kilograms of a mixture or substance containing marijuana;

EXPLANATION — Matter enclosed in bold-faced brackets **[thus]** in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

18 (7) More than thirty grams of any material, compound, mixture, or preparation
19 containing any quantity of the following substances having a stimulant effect on the central
20 nervous system: amphetamine, its salts, optical isomers and salts of its optical isomers;
21 methamphetamine, its salts, optical isomers and salts of its optical isomers; phenmetrazine
22 and its salts; or methylphenidate;

23 (8) More than thirty grams of any material, compound, mixture, or preparation which
24 contains any quantity of 3,4-methylenedioxymethamphetamine;

25 (9) One gram or more of flunitrazepam for the first offense;

26 (10) Any amount of gamma-hydroxybutyric acid for the first offense; ~~[or]~~

27 (11) More than ~~[ten]~~ **three** milligrams of fentanyl ~~[or carfentanil]~~, or any derivative
28 thereof, ~~[or any combination thereof,]~~ or any compound, mixture, or substance containing a
29 detectable amount of fentanyl ~~[or carfentanil]~~, or ~~[their]~~ **its** optical isomers or analogues; **or**

30 **(12) Any amount of carfentanil.**

31 2. The offense of trafficking drugs in the first degree is a class B felony.

32 3. The offense of trafficking drugs in the first degree is a class A felony if the quantity
33 involved is:

34 (1) Ninety grams or more of a mixture or substance containing a detectable amount of
35 heroin; or

36 (2) Four hundred fifty grams or more of a mixture or substance containing a
37 detectable amount of coca leaves, except coca leaves and extracts of coca leaves from which
38 cocaine, ecgonine, and derivatives of ecgonine or their salts have been removed; cocaine salts
39 and their optical and geometric isomers, and salts of isomers; ecgonine, its derivatives, their
40 salts, isomers, and salts of isomers; or any compound, mixture, or preparation which contains
41 any quantity of any of the foregoing substances; or

42 (3) One gram or more of a mixture or substance containing a detectable amount of
43 lysergic acid diethylamide (LSD); or

44 (4) Ninety grams or more of a mixture or substance containing a detectable amount of
45 phencyclidine (PCP); or

46 (5) Twelve grams or more of phencyclidine; or

47 (6) One hundred kilograms or more of a mixture or substance containing marijuana;
48 or

49 (7) Ninety grams or more of any material, compound, mixture, or preparation
50 containing any quantity of the following substances having a stimulant effect on the central
51 nervous system: amphetamine, its salts, optical isomers and salts of its optical isomers;
52 methamphetamine, its salts, optical isomers and salts of its optical isomers; phenmetrazine
53 and its salts; or methylphenidate; or

54 (8) More than thirty grams of any material, compound, mixture, or preparation
55 containing any quantity of the following substances having a stimulant effect on the central
56 nervous system: amphetamine, its salts, optical isomers, and salts of its optical isomers;
57 methamphetamine, its salts, optical isomers, and salts of its optical isomers; phenmetrazine
58 and its salts; or methylphenidate, and the location of the offense was within two thousand feet
59 of real property comprising a public or private elementary, vocational, or secondary school,
60 college, community college, university, or any school bus, in or on the real property
61 comprising public housing or any other governmental assisted housing, or within a motor
62 vehicle, or in any structure or building which contains rooms furnished for the
63 accommodation or lodging of guests, and kept, used, maintained, advertised, or held out to
64 the public as a place where sleeping accommodations are sought for pay or compensation to
65 transient guests or permanent guests; or

66 (9) Ninety grams or more of any material, compound, mixture or preparation which
67 contains any quantity of 3,4-methylenedioxymethamphetamine; or

68 (10) More than thirty grams of any material, compound, mixture, or preparation
69 which contains any quantity of 3,4-methylenedioxymethamphetamine and the location of the
70 offense was within two thousand feet of real property comprising a public or private
71 elementary, vocational, or secondary school, college, community college, university, or any
72 school bus, in or on the real property comprising public housing or any other governmental
73 assisted housing, within a motor vehicle, or in any structure or building which contains rooms
74 furnished for the accommodation or lodging of guests, and kept, used, maintained, advertised,
75 or held out to the public as a place where sleeping accommodations are sought for pay or
76 compensation to transient guests or permanent guests; or

77 (11) One gram or more of flunitrazepam for a second or subsequent offense; or

78 (12) Any amount of gamma-hydroxybutyric acid for a second or subsequent offense;
79 or

80 (13) ~~[Twenty]~~ **Fourteen** milligrams or more of fentanyl ~~[or carfentanil]~~, or any
81 derivative thereof, ~~[or any combination thereof]~~, or any compound, mixture, or substance
82 containing a detectable amount of fentanyl ~~[or carfentanil]~~, or ~~[their]~~ **its** optical isomers or
83 analogues; or

84 **(14) More than five hundredths of a milligram of carfentanil.**

579.068. 1. A person commits the offense of trafficking drugs in the second degree
2 if, except as authorized by this chapter or chapter 195, such person knowingly possesses or
3 has under his or her control, purchases or attempts to purchase, or brings into this state:

4 (1) More than thirty grams of a mixture or substance containing a detectable amount
5 of heroin;

6 (2) More than one hundred fifty grams of a mixture or substance containing a
7 detectable amount of coca leaves, except coca leaves and extracts of coca leaves from which
8 cocaine, ecgonine, and derivatives of ecgonine or their salts have been removed; cocaine salts
9 and their optical and geometric isomers, and salts of isomers; ecgonine, its derivatives, their
10 salts, isomers, and salts of isomers; or any compound, mixture, or preparation which contains
11 any quantity of any of the foregoing substances;

12 (3) More than five hundred milligrams of a mixture or substance containing a
13 detectable amount of lysergic acid diethylamide (LSD);

14 (4) More than thirty grams of a mixture or substance containing a detectable amount
15 of phencyclidine (PCP);

16 (5) More than four grams of phencyclidine;

17 (6) More than thirty kilograms of a mixture or substance containing marijuana;

18 (7) More than thirty grams of any material, compound, mixture, or preparation
19 containing any quantity of the following substances having a stimulant effect on the central
20 nervous system: amphetamine, its salts, optical isomers and salts of its optical isomers;
21 methamphetamine, its salts, optical isomers and salts of its optical isomers; phenmetrazine
22 and its salts; or methylphenidate;

23 (8) More than thirty grams of any material, compound, mixture, or preparation which
24 contains any quantity of 3,4-methylenedioxymethamphetamine; ~~[or]~~

25 (9) More than ~~ten~~ **three** milligrams of fentanyl ~~[or carfentanil]~~, or any derivative
26 thereof, ~~[or any combination thereof,]~~ or any compound, mixture, or substance containing a
27 detectable amount of fentanyl ~~[or carfentanil]~~, or ~~[their]~~ **its** optical isomers or analogues; **or**

28 **(10) Any amount of carfentanil.**

29 2. The offense of trafficking drugs in the second degree is a class C felony.

30 3. The offense of trafficking drugs in the second degree is a class B felony if the
31 quantity involved is:

32 (1) Ninety grams or more of a mixture or substance containing a detectable amount of
33 heroin; or

34 (2) Four hundred fifty grams or more of a mixture or substance containing a
35 detectable amount of coca leaves, except coca leaves and extracts of coca leaves from which
36 cocaine, ecgonine, and derivatives of ecgonine or their salts have been removed; cocaine salts
37 and their optical and geometric isomers, and salts of isomers; ecgonine, its derivatives, their
38 salts, isomers, and salts of isomers; or any compound, mixture, or preparation which contains
39 any quantity of any of the foregoing substances; or

40 (3) One gram or more of a mixture or substance containing a detectable amount of
41 lysergic acid diethylamide (LSD); or

- 42 (4) Ninety grams or more of a mixture or substance containing a detectable amount of
43 phencyclidine (PCP); or
44 (5) Twelve grams or more of phencyclidine; or
45 (6) One hundred kilograms or more of a mixture or substance containing marijuana;
46 or
47 (7) More than five hundred marijuana plants; or
48 (8) Ninety grams or more but less than four hundred fifty grams of any material,
49 compound, mixture, or preparation containing any quantity of the following substances
50 having a stimulant effect on the central nervous system: amphetamine, its salts, optical
51 isomers and salts of its optical isomers; methamphetamine, its salts, optical isomers and salts
52 of its optical isomers; phenmetrazine and its salts; or methylphenidate; or
53 (9) Ninety grams or more but less than four hundred fifty grams of any material,
54 compound, mixture, or preparation which contains any quantity of 3,4-
55 methylenedioxymethamphetamine; or
56 (10) ~~[Twenty]~~ **Fourteen** milligrams or more of fentanyl ~~[or carfentanil]~~, or any
57 derivative thereof, ~~[or any combination thereof]~~, or any compound, mixture, or substance
58 containing a detectable amount of fentanyl ~~[or carfentanil]~~, or ~~[their]~~ **its** optical isomers or
59 analogues; or
60 **(11) More than five hundredths of a milligram of carfentanil.**
61 4. The offense of trafficking drugs in the second degree is a class A felony if the
62 quantity involved is four hundred fifty grams or more of any material, compound, mixture or
63 preparation which contains:
64 (1) Any quantity of the following substances having a stimulant effect on the central
65 nervous system: amphetamine, its salts, optical isomers and salts of its optical isomers;
66 methamphetamine, its salts, isomers and salts of its isomers; phenmetrazine and its salts; or
67 methylphenidate; or
68 (2) Any quantity of 3,4-methylenedioxymethamphetamine.
69 5. The offense of drug trafficking in the second degree is a class C felony for the first
70 offense and a class B felony for any second or subsequent offense for the trafficking of less
71 than one gram of flunitrazepam.

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