

SECOND REGULAR SESSION

[PERFECTED]

# HOUSE BILL NO. 1625

103RD GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE HALEY.

5279H.01P

JOSEPH ENGLER, Chief Clerk

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## AN ACT

To repeal sections 579.022, 579.065, and 579.068, RSMo, and to enact in lieu thereof three new sections relating to offenses involving the trafficking of drugs, with penalty provisions.

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

Section A. Sections 579.022, 579.065, and 579.068, RSMo, are repealed and three  
2 new sections enacted in lieu thereof, to be known as sections 579.022, 579.065, and 579.068,  
3 to read as follows:

579.022. 1. A person commits the offense of delivery of a controlled substance  
2 causing death if a person delivers or distributes a controlled substance under section 579.020  
3 [~~knowing such substance is mixed with another controlled substance~~] and a death results from  
4 the use of such controlled substance.

5 2. It shall not be a defense that the user contributed to the user's own death by using  
6 the controlled substance or consenting to the administration of the controlled substance by  
7 another.

8 3. The offense of delivery of a controlled substance causing death is a class A felony.

9 4. For purposes of this section, "controlled substance" means a Schedule I or  
10 Schedule II controlled substance, as defined in section 195.017.

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:

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.

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;

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 carfentanyl]~~, or any  
81 derivative thereof, ~~[or any combination thereof,]~~ or any compound, mixture, or substance  
82 containing a detectable amount of fentanyl ~~[or carfentanyl]~~, or ~~[their]~~ **its** optical isomers or  
83 analogues; **or**

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

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 carfentanyl]~~, or any derivative  
26 thereof, ~~[or any combination thereof,]~~ or any compound, mixture, or substance containing a  
27 detectable amount of fentanyl ~~[or carfentanyl]~~, or ~~[their]~~ **its** optical isomers or analogues; **or**

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

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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