

SECOND REGULAR SESSION

HOUSE BILL NO. 1770

102ND GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE PERKINS.

4435H.011

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To repeal sections 579.065 and 579.068, RSMo, and to enact in lieu thereof two new sections relating to the offenses of trafficking 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Section A. Sections 579.065 and 579.068, RSMo, are repealed and two new sections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 eight grams of a mixture or substance described in subdivision (2) of~~
13 ~~this subsection which contains cocaine base;~~

14 (4) More than five hundred milligrams of a mixture or substance containing a
15 detectable amount of lysergic acid diethylamide (LSD);

16 ~~(5)~~ (4) More than thirty grams of a mixture or substance containing a detectable
17 amount of phencyclidine (PCP);

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 ~~[(6)]~~ (5) More than four grams of phencyclidine;

19 ~~[(7)]~~ (6) More than thirty kilograms of a mixture or substance containing marijuana;

20 ~~[(8)]~~ (7) More than thirty grams of any material, compound, mixture, or preparation

21 containing any quantity of the following substances having a stimulant effect on the central

22 nervous system: amphetamine, its salts, optical isomers and salts of its optical isomers;

23 methamphetamine, its salts, optical isomers and salts of its optical isomers; phenmetrazine

24 and its salts; or methylphenidate;

25 ~~[(9)]~~ (8) More than thirty grams of any material, compound, mixture, or preparation

26 which contains any quantity of 3,4-methylenedioxymethamphetamine;

27 ~~[(10)]~~ (9) One gram or more of flunitrazepam for the first offense;

28 ~~[(11)]~~ (10) Any amount of gamma-hydroxybutyric acid for the first offense; or

29 ~~[(12)]~~ (11) More than ten milligrams of fentanyl or carfentanil, or any derivative

30 thereof, or any combination thereof, or any compound, mixture, or substance containing a

31 detectable amount of fentanyl or carfentanil, or their optical isomers or analogues.

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

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

34 involved is:

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

36 heroin; or

37 (2) Four hundred fifty grams or more of a mixture or substance containing a

38 detectable amount of coca leaves, except coca leaves and extracts of coca leaves from which

39 cocaine, ecgonine, and derivatives of ecgonine or their salts have been removed; cocaine salts

40 and their optical and geometric isomers, and salts of isomers; ecgonine, its derivatives, their

41 salts, isomers, and salts of isomers; or any compound, mixture, or preparation which contains

42 any quantity of any of the foregoing substances; or

43 (3) ~~Twenty-four grams or more of a mixture or substance described in subdivision~~

44 ~~(2) of this subsection which contains cocaine base; or~~

45 ~~(4)]~~ (4) One gram or more of a mixture or substance containing a detectable amount of

46 lysergic acid diethylamide (LSD); or

47 ~~[(5)]~~ (4) Ninety grams or more of a mixture or substance containing a detectable

48 amount of phencyclidine (PCP); or

49 ~~[(6)]~~ (5) Twelve grams or more of phencyclidine; or

50 ~~[(7)]~~ (6) One hundred kilograms or more of a mixture or substance containing

51 marijuana; or

52 ~~[(8)]~~ (7) Ninety grams or more of any material, compound, mixture, or preparation

53 containing any quantity of the following substances having a stimulant effect on the central

54 nervous system: amphetamine, its salts, optical isomers and salts of its optical isomers;

55 methamphetamine, its salts, optical isomers and salts of its optical isomers; phenmetrazine
56 and its salts; or methylphenidate; or

57 ~~[(9)]~~ **(8)** More than thirty grams of any material, compound, mixture, or preparation
58 containing any quantity of the following substances having a stimulant effect on the central
59 nervous system: amphetamine, its salts, optical isomers, and salts of its optical isomers;
60 methamphetamine, its salts, optical isomers, and salts of its optical isomers; phenmetrazine
61 and its salts; or methylphenidate, and the location of the offense was within two thousand feet
62 of real property comprising a public or private elementary, vocational, or secondary school,
63 college, community college, university, or any school bus, in or on the real property
64 comprising public housing or any other governmental assisted housing, or within a motor
65 vehicle, or in any structure or building which contains rooms furnished for the
66 accommodation or lodging of guests, and kept, used, maintained, advertised, or held out to
67 the public as a place where sleeping accommodations are sought for pay or compensation to
68 transient guests or permanent guests; or

69 ~~[(10)]~~ **(9)** Ninety grams or more of any material, compound, mixture or preparation
70 which contains any quantity of 3,4-methylenedioxymethamphetamine; or

71 ~~[(11)]~~ **(10)** More than thirty grams of any material, compound, mixture, or
72 preparation which contains any quantity of 3,4-methylenedioxymethamphetamine and the
73 location of the offense was within two thousand feet of real property comprising a public or
74 private elementary, vocational, or secondary school, college, community college, university,
75 or any school bus, in or on the real property comprising public housing or any other
76 governmental assisted housing, within a motor vehicle, or in any structure or building which
77 contains rooms furnished for the accommodation or lodging of guests, and kept, used,
78 maintained, advertised, or held out to the public as a place where sleeping accommodations
79 are sought for pay or compensation to transient guests or permanent guests; or

80 ~~[(12)]~~ **(11)** One gram or more of flunitrazepam for a second or subsequent offense; or

81 ~~[(13)]~~ **(12)** Any amount of gamma-hydroxybutyric acid for a second or subsequent
82 offense; or

83 ~~[(14)]~~ **(13)** Twenty milligrams or more of fentanyl or carfentanil, or any derivative
84 thereof, or any combination thereof, or any compound, mixture, or substance containing a
85 detectable amount of fentanyl or carfentanil, or their optical isomers or analogues.

86 **4. Notwithstanding any provision of law, any person convicted prior to August**
87 **28, 2024, of the offense of trafficking drugs in the first degree, if the quantity involved is:**

88 **(1) More than eight grams of a mixture or substance described in subdivision (2)**
89 **of subsection 1 of this section that contains cocaine base; or**

90 **(2) Twenty-four grams or more of a mixture or substance described in**
91 **subdivision (2) of subsection 3 of this section that contains cocaine base,**

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93 **may petition the court to have his or her sentence reduced.**

579.068. 1. A person commits the offense of trafficking drugs in the second degree if, except as authorized by this chapter or chapter 195, such person knowingly possesses or 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 eight grams of a mixture or substance described in subdivision (2) of
13 this subsection which contains cocaine base;~~

14 ~~(4)]~~ More than five hundred milligrams of a mixture or substance containing a
15 detectable amount of lysergic acid diethylamide (LSD);

16 ~~[(5)]~~ (4) More than thirty grams of a mixture or substance containing a detectable
17 amount of phencyclidine (PCP);

18 ~~[(6)]~~ (5) More than four grams of phencyclidine;

19 ~~[(7)]~~ (6) More than thirty kilograms of a mixture or substance containing marijuana;

20 ~~[(8)]~~ (7) More than thirty grams of any material, compound, mixture, or preparation
21 containing any quantity of the following substances having a stimulant effect on the central
22 nervous system: amphetamine, its salts, optical isomers and salts of its optical isomers;
23 methamphetamine, its salts, optical isomers and salts of its optical isomers; phenmetrazine
24 and its salts; or methylphenidate;

25 ~~[(9)]~~ (8) More than thirty grams of any material, compound, mixture, or preparation
26 which contains any quantity of 3,4-methylenedioxymethamphetamine; or

27 ~~[(10)]~~ (9) More than ten 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 optical isomers or analogues.

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

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

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

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

41 ~~(3) [Twenty four grams or more of a mixture or substance described in subdivision~~
42 ~~(2) of this subsection which contains cocaine base; or~~

43 ~~(4)]~~ (4) One gram or more of a mixture or substance containing a detectable amount of
44 lysergic acid diethylamide (LSD); or

45 ~~[(5)]~~ (4) Ninety grams or more of a mixture or substance containing a detectable
46 amount of phencyclidine (PCP); or

47 ~~[(6)]~~ (5) Twelve grams or more of phencyclidine; or

48 ~~[(7)]~~ (6) One hundred kilograms or more of a mixture or substance containing
49 marijuana; or

50 ~~[(8)]~~ (7) More than five hundred marijuana plants; or

51 ~~[(9)]~~ (8) Ninety grams or more but less than four hundred fifty grams of any material,
52 compound, mixture, or preparation containing any quantity of the following substances
53 having a stimulant effect on the central nervous system: amphetamine, its salts, optical
54 isomers and salts of its optical isomers; methamphetamine, its salts, optical isomers and salts
55 of its optical isomers; phenmetrazine and its salts; or methylphenidate; or

56 ~~[(10)]~~ (9) Ninety grams or more but less than four hundred fifty grams of any
57 material, compound, mixture, or preparation which contains any quantity of 3,4-
58 methylenedioxymethamphetamine; or

59 ~~[(11)]~~ (10) Twenty milligrams or more of fentanyl or carfentanil, or any derivative
60 thereof, or any combination thereof, or any compound, mixture, or substance containing a
61 detectable amount of fentanyl or carfentanil, or their optical isomers or analogues.

62 4. The offense of trafficking drugs in the second degree is a class A felony if the
63 quantity involved is four hundred fifty grams or more of any material, compound, mixture or
64 preparation which contains:

65 (1) Any quantity of the following substances having a stimulant effect on the central
66 nervous system: amphetamine, its salts, optical isomers and salts of its optical isomers;
67 methamphetamine, its salts, isomers and salts of its isomers; phenmetrazine and its salts; or
68 methylphenidate; or

69 (2) Any quantity of 3,4-methylenedioxymethamphetamine.

70 5. The offense of drug trafficking in the second degree is a class C felony for the first
71 offense and a class B felony for any second or subsequent offense for the trafficking of less
72 than one gram of flunitrazepam.

73 **6. Notwithstanding any provision of law, any person convicted prior to August**
74 **28, 2024, of the offense of trafficking drugs in the second degree, if the quantity involved**
75 **is:**

76 **(1) More than eight grams of a mixture or substance described in subdivision (2)**
77 **of subsection 1 of this section that contains cocaine base; or**

78 **(2) Twenty-four grams or more of a mixture or substance described in**
79 **subdivision (2) of subsection 3 of this section that contains cocaine base,**

80

81 **may petition the court to have his or her sentence reduced.**

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