

SENATE BILL NO. 1232

102ND GENERAL ASSEMBLY

INTRODUCED BY SENATOR TRENT.

4425S.01I

KRISTINA MARTIN, Secretary

AN ACT

To repeal sections 579.030, 579.055, and 579.065, RSMo, and to enact in lieu thereof three new sections relating to drug offenses involving persons under twenty-two years of age, with penalty provisions.

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

Section A. Sections 579.030, 579.055, and 579.065, RSMo, are repealed and three new sections enacted in lieu thereof, to be known as sections 579.030, 579.055, and 579.065, to read as follows:

579.030. 1. A person commits the offense of distribution of a controlled substance in a protected location if he or she knowingly distributes, sells, or delivers any controlled substance, except thirty-five grams or less of marijuana or synthetic cannabinoid, to a person **to a person under twenty-two years of age** with knowledge that that distribution, delivery or sale is:

(1) In, on, or within two thousand feet of, the real property comprising a public or private elementary, vocational, or secondary school, or on any school bus; or

(2) In, on, or within one thousand feet of, the real property comprising a public park, state park, county park, municipal park, or private park designed for public recreational purposes, as park is defined in section 253.010; or

EXPLANATION-Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

16 (3) In or on the real property comprising public
17 housing or other governmental assisted housing.

18 2. The offense of unlawful distribution of a
19 controlled substance **to a person under twenty-two years of**
20 **age** in a protected location is a class A felony.

21 **3. This offense shall not apply if the offense is**
22 **committed by a person under twenty-two years of age.**

579.055. 1. A person commits the offense of
2 manufacture of a controlled substance if, except as
3 authorized in this chapter or chapter 195, he or she:

4 (1) Knowingly manufactures, produces, or grows a
5 controlled substance;

6 (2) Attempts to manufacture, produce, or grow a
7 controlled substance; or

8 (3) Knowingly possesses a controlled substance with
9 the intent to manufacture, produce, or grow any amount of
10 controlled substance.

11 2. The offense of manufacturing or attempting to
12 manufacture any amount of controlled substance is a class B
13 felony when committed within two thousand feet of the real
14 property comprising a public or private elementary,
15 vocational, or secondary school, community college, college,
16 or university[. It] **and when the person involves another**
17 **person under twenty-two years of age while committing such**
18 **offense. This subsection shall not apply when the offense**
19 **is committed by a person under twenty-two years of age.**

20 **3. The offense of manufacturing or attempting to**
21 **manufacture any amount of a controlled substance** is a class
22 A felony if a person has suffered serious physical injury or
23 has died as a result of a fire or explosion started in an
24 attempt by the defendant to produce methamphetamine.

25 [3.] 4. The offense of manufacturing or attempting to
26 manufacture any amount of a controlled substance, except
27 thirty-five grams or less of marijuana or synthetic
28 cannabinoid, is a class C felony.

29 [4.] 5. The offense of manufacturing thirty-five grams
30 or less of marijuana or synthetic cannabinoid is a class E
31 felony.

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

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

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

17 (3) More than eight grams of a mixture or substance
18 described in subdivision (2) of this subsection which
19 contains cocaine base;

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

23 (5) More than thirty grams of a mixture or substance
24 containing a detectable amount of phencyclidine (PCP);

25 (6) More than four grams of phencyclidine;

26 (7) More than thirty kilograms of a mixture or
27 substance containing marijuana;

28 (8) More than thirty grams of any material, compound,
29 mixture, or preparation containing any quantity of the
30 following substances having a stimulant effect on the
31 central nervous system: amphetamine, its salts, optical
32 isomers and salts of its optical isomers; methamphetamine,
33 its salts, optical isomers and salts of its optical isomers;
34 phenmetrazine and its salts; or methylphenidate;

35 (9) More than thirty grams of any material, compound,
36 mixture, or preparation which contains any quantity of 3,4-
37 methylenedioxymethamphetamine;

38 (10) One gram or more of flunitrazepam for the first
39 offense;

40 (11) Any amount of gamma-hydroxybutyric acid for the
41 first offense; or

42 (12) More than ten milligrams of fentanyl or
43 carfentanil, or any derivative thereof, or any combination
44 thereof, or any compound, mixture, or substance containing a
45 detectable amount of fentanyl or carfentanil, or their
46 optical isomers or analogues.

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

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

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

53 (2) Four hundred fifty grams or more of a mixture or
54 substance containing a detectable amount of coca leaves,
55 except coca leaves and extracts of coca leaves from which
56 cocaine, ecgonine, and derivatives of ecgonine or their
57 salts have been removed; cocaine salts and their optical and

58 geometric isomers, and salts of isomers; ecgonine, its
59 derivatives, their salts, isomers, and salts of isomers; or
60 any compound, mixture, or preparation which contains any
61 quantity of any of the foregoing substances; or

62 (3) Twenty-four grams or more of a mixture or
63 substance described in subdivision (2) of this subsection
64 which contains cocaine base; or

65 (4) One gram or more of a mixture or substance
66 containing a detectable amount of lysergic acid diethylamide
67 (LSD); or

68 (5) Ninety grams or more of a mixture or substance
69 containing a detectable amount of phencyclidine (PCP); or

70 (6) Twelve grams or more of phencyclidine; or

71 (7) One hundred kilograms or more of a mixture or
72 substance containing marijuana; or

73 (8) Ninety grams or more of any material, compound,
74 mixture, or preparation containing any quantity of the
75 following substances having a stimulant effect on the
76 central nervous system: amphetamine, its salts, optical
77 isomers and salts of its optical isomers; methamphetamine,
78 its salts, optical isomers and salts of its optical isomers;
79 phenmetrazine and its salts; or methylphenidate; or

80 (9) More than thirty grams of any material, compound,
81 mixture, or preparation containing any quantity of the
82 following substances having a stimulant effect on the
83 central nervous system: amphetamine, its salts, optical
84 isomers, and salts of its optical isomers; methamphetamine,
85 its salts, optical isomers, and salts of its optical
86 isomers; phenmetrazine and its salts; or methylphenidate[,];
87 and the location of the offense was within two thousand feet
88 of real property comprising a public or private elementary,
89 vocational, or secondary school, college, community college,

90 university, or any school bus, in or on the real property
91 comprising public housing or any other governmental assisted
92 housing, or within a motor vehicle, or in any structure or
93 building which contains rooms furnished for the
94 accommodation or lodging of guests, and kept, used,
95 maintained, advertised, or held out to the public as a place
96 where sleeping accommodations are sought for pay or
97 compensation to transient guests or permanent guests; **and**
98 **the person distributes the drugs to a person under twenty-**
99 **two years of age; or**

100 (10) Ninety grams or more of any material, compound,
101 mixture or preparation which contains any quantity of 3,4-
102 methylenedioxymethamphetamine; or

103 (11) More than thirty grams of any material, compound,
104 mixture, or preparation which contains any quantity of 3,4-
105 methylenedioxymethamphetamine and the location of the
106 offense was within two thousand feet of real property
107 comprising a public or private elementary, vocational, or
108 secondary school, college, community college, university, or
109 any school bus, in or on the real property comprising public
110 housing or any other governmental assisted housing, within a
111 motor vehicle, or in any structure or building which
112 contains rooms furnished for the accommodation or lodging of
113 guests, and kept, used, maintained, advertised, or held out
114 to the public as a place where sleeping accommodations are
115 sought for pay or compensation to transient guests or
116 permanent guests; or

117 (12) One gram or more of flunitrazepam for a second or
118 subsequent offense; or

119 (13) Any amount of gamma-hydroxybutyric acid for a
120 second or subsequent offense; or

121 (14) Twenty milligrams or more of fentanyl or
122 carfentanil, or any derivative thereof, or any combination
123 thereof, or any compound, mixture, or substance containing a
124 detectable amount of fentanyl or carfentanil, or their
125 optical isomers or analogues.

126 **4. Subdivision (9) of subsection 3 of this section**
127 **shall not apply when the offense is committed by a person**
128 **under twenty-two years of age.**

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