

SENATE BILL NO. 1437

102ND GENERAL ASSEMBLY

INTRODUCED BY SENATOR SCHROER.

5791S.011

KRISTINA MARTIN, Secretary

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
2 repealed and two new sections enacted in lieu thereof, to be
3 known as sections 579.065 and 579.068, to read as follows:

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;

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

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 methylenedioxyamphetamine;

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] **three but less than fourteen**
43 milligrams of fentanyl [or carfentanil], or any derivative
44 thereof, [or any combination thereof,] or any compound,
45 mixture, or substance containing a detectable amount of
46 fentanyl [or carfentanil], or [their] **its** optical isomers or
47 analogues; **or**

48 (13) **Any amount of carfentanil.**

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

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

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

55 (2) Four hundred fifty grams or more of a mixture or
56 substance containing a detectable amount of coca leaves,
57 except coca leaves and extracts of coca leaves from which
58 cocaine, ecgonine, and derivatives of ecgonine or their
59 salts have been removed; cocaine salts and their optical and
60 geometric isomers, and salts of isomers; ecgonine, its
61 derivatives, their salts, isomers, and salts of isomers; or
62 any compound, mixture, or preparation which contains any
63 quantity of any of the foregoing substances; or

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

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

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

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

73 (7) One hundred kilograms or more of a mixture or
74 substance containing marijuana; or

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

80 its salts, optical isomers and salts of its optical isomers;
81 phenmetrazine and its salts; or methylphenidate; or

82 (9) More than thirty grams of any material, compound,
83 mixture, or preparation containing any quantity of the
84 following substances having a stimulant effect on the
85 central nervous system: amphetamine, its salts, optical
86 isomers, and salts of its optical isomers; methamphetamine,
87 its salts, optical isomers, and salts of its optical
88 isomers; phenmetrazine and its salts; or methylphenidate,
89 and the location of the offense was within two thousand feet
90 of real property comprising a public or private elementary,
91 vocational, or secondary school, college, community college,
92 university, or any school bus, in or on the real property
93 comprising public housing or any other governmental assisted
94 housing, or within a motor vehicle, or in any structure or
95 building which contains rooms furnished for the
96 accommodation or lodging of guests, and kept, used,
97 maintained, advertised, or held out to the public as a place
98 where sleeping accommodations are sought for pay or
99 compensation to transient guests or permanent guests; 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~~ **Fourteen** milligrams or more of fentanyl
122 ~~[or carfentanil]~~, or any derivative thereof, ~~[or any~~
123 ~~combination thereof,]~~ or any compound, mixture, or substance
124 containing a detectable amount of fentanyl ~~[or carfentanil]~~,
125 or ~~[their]~~ **its** optical isomers or analogues; **or**

126 (15) **More than five hundredths of a milligram of**
127 **carfentanil.**

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

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; [or]

38 (10) More than [ten] **three but less than fourteen**
39 milligrams of fentanyl [or carfentanil], or any derivative
40 thereof, [or any combination thereof,] or any compound,
41 mixture, or substance containing a detectable amount of
42 fentanyl [or carfentanil], or [their] **its** optical isomers or
43 analogues; **or**

44 **(11) Any amount of carfentanil.**

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

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

- 49 (1) Ninety grams or more of a mixture or substance
50 containing a detectable amount of heroin; or
- 51 (2) Four hundred fifty grams or more of a mixture or
52 substance containing a detectable amount of coca leaves,
53 except coca leaves and extracts of coca leaves from which
54 cocaine, ecgonine, and derivatives of ecgonine or their
55 salts have been removed; cocaine salts and their optical and
56 geometric isomers, and salts of isomers; ecgonine, its
57 derivatives, their salts, isomers, and salts of isomers; or
58 any compound, mixture, or preparation which contains any
59 quantity of any of the foregoing substances; or
- 60 (3) Twenty-four grams or more of a mixture or
61 substance described in subdivision (2) of this subsection
62 which contains cocaine base; or
- 63 (4) One gram or more of a mixture or substance
64 containing a detectable amount of lysergic acid diethylamide
65 (LSD); or
- 66 (5) Ninety grams or more of a mixture or substance
67 containing a detectable amount of phencyclidine (PCP); or
- 68 (6) Twelve grams or more of phencyclidine; or
- 69 (7) One hundred kilograms or more of a mixture or
70 substance containing marijuana; or
- 71 (8) More than five hundred marijuana plants; or
- 72 (9) Ninety grams or more but less than four hundred
73 fifty grams of any material, compound, mixture, or
74 preparation containing any quantity of the following
75 substances having a stimulant effect on the central nervous
76 system: amphetamine, its salts, optical isomers and salts
77 of its optical isomers; methamphetamine, its salts, optical
78 isomers and salts of its optical isomers; phenmetrazine and
79 its salts; or methylphenidate; or

80 (10) Ninety grams or more but less than four hundred
81 fifty grams of any material, compound, mixture, or
82 preparation which contains any quantity of 3,4-
83 methylenedioxyamphetamine; or

84 (11) [Twenty] **Fourteen** milligrams or more of fentanyl
85 [or carfentanil], or any derivative thereof, [or any
86 combination thereof,] or any compound, mixture, or substance
87 containing a detectable amount of fentanyl [or carfentanil],
88 or [their] **its** optical isomers or analogues; **or**

89 (12) **More than five hundredths milligram of**
90 **carfentanil.**

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

95 (1) Any quantity of the following substances having a
96 stimulant effect on the central nervous system:
97 amphetamine, its salts, optical isomers and salts of its
98 optical isomers; methamphetamine, its salts, isomers and
99 salts of its isomers; phenmetrazine and its salts; or
100 methylphenidate; or

101 (2) Any quantity of 3,4-methylenedioxyamphetamine.

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

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