

FIRST REGULAR SESSION

SENATE BILL NO. 705

102ND GENERAL ASSEMBLY

INTRODUCED BY SENATOR RIZZO.

2618S.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 the offense of drug trafficking, with penalty provisions and an emergency clause.

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2 repealed and two new sections enacted in lieu thereof, to be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)] (4) More than thirty grams of a mixture or
24 substance containing a detectable amount of phencyclidine
25 (PCP);

26 [(6)] (5) More than four grams of phencyclidine;

27 [(7)] (6) More than thirty kilograms of a mixture or
28 substance containing marijuana;

29 [(8)] (7) More than thirty grams of any material,
30 compound, mixture, or preparation containing any quantity of
31 the following substances having a stimulant effect on the
32 central nervous system: amphetamine, its salts, optical
33 isomers and salts of its optical isomers; methamphetamine,
34 its salts, optical isomers and salts of its optical isomers;
35 phenmetrazine and its salts; or methylphenidate;

36 [(9)] (8) More than thirty grams of any material,
37 compound, mixture, or preparation which contains any
38 quantity of 3,4-methylenedioxymethamphetamine;

39 [(10)] (9) One gram or more of flunitrazepam for the
40 first offense;

41 [(11)] (10) Any amount of gamma-hydroxybutyric acid
42 for the first offense; or

43 [(12)] (11) More than ten milligrams of fentanyl or
44 carfentanil, or any derivative thereof, or any combination
45 thereof, or any compound, mixture, or substance containing a
46 detectable amount of fentanyl or carfentanil, or their
47 optical isomers or analogues.

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

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

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

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

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

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

69 [(5)] (4) Ninety grams or more of a mixture or
70 substance containing a detectable amount of phencyclidine
71 (PCP); or

72 [(6)] (5) Twelve grams or more of phencyclidine; or

73 [(7)] (6) One hundred kilograms or more of a mixture
74 or substance containing marijuana; or

75 [(8)] (7) Ninety grams or more of any material,
76 compound, mixture, or preparation containing any quantity of
77 the 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)] (8)** More than thirty grams of any material,
83 compound, mixture, or preparation containing any quantity of
84 the 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)] (9)** Ninety grams or more of any material,
101 compound, mixture or preparation which contains any quantity
102 of 3,4-methylenedioxymethamphetamine; or

103 **[(11)] (10)** More than thirty grams of any material,
104 compound, mixture, or preparation which contains any
105 quantity of 3,4-methylenedioxymethamphetamine and the
106 location of the offense was within two thousand feet of real
107 property comprising a public or private elementary,
108 vocational, or secondary school, college, community college,
109 university, or any school bus, in or on the real property
110 comprising public housing or any other governmental assisted
111 housing, within a motor vehicle, or in any structure or

112 building which contains rooms furnished for the
113 accommodation or lodging of guests, and kept, used,
114 maintained, advertised, or held out to the public as a place
115 where sleeping accommodations are sought for pay or
116 compensation to transient guests or permanent guests; or

117 ~~[(12)]~~ (11) One gram or more of flunitrazepam for a
118 second or subsequent offense; or

119 ~~[(13)]~~ (12) Any amount of gamma-hydroxybutyric acid
120 for a second or subsequent offense; or

121 ~~[(14)]~~ (13) 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.

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)] (4) More than thirty grams of a mixture or
24 substance containing a detectable amount of phencyclidine
25 (PCP);

26 [(6)] (5) More than four grams of phencyclidine;

27 [(7)] (6) More than thirty kilograms of a mixture or
28 substance containing marijuana;

29 [(8)] (7) More than thirty grams of any material,
30 compound, mixture, or preparation containing any quantity of
31 the following substances having a stimulant effect on the
32 central nervous system: amphetamine, its salts, optical
33 isomers and salts of its optical isomers; methamphetamine,
34 its salts, optical isomers and salts of its optical isomers;
35 phenmetrazine and its salts; or methylphenidate;

36 [(9)] (8) More than thirty grams of any material,
37 compound, mixture, or preparation which contains any
38 quantity of 3,4-methylenedioxymethamphetamine; or

39 [(10)] (9) More than ten milligrams of fentanyl or
40 carfentanil, or any derivative thereof, or any combination
41 thereof, or any compound, mixture, or substance containing a
42 detectable amount of fentanyl or carfentanil, or their
43 optical isomers or analogues.

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

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

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

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

59 (3) [Twenty-four grams or more of a mixture or
60 substance described in subdivision (2) of this subsection
61 which contains cocaine base; or

62 [(4)] One gram or more of a mixture or substance
63 containing a detectable amount of lysergic acid diethylamide
64 (LSD); or

65 [(5)] (4) Ninety grams or more of a mixture or
66 substance containing a detectable amount of phencyclidine
67 (PCP); or

68 [(6)] (5) Twelve grams or more of phencyclidine; or

69 [(7)] (6) One hundred kilograms or more of a mixture
70 or substance containing marijuana; or

71 [(8)] (7) More than five hundred marijuana plants; or

72 [(9)] (8) Ninety grams or more but less than four
73 hundred 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)] (9) Ninety grams or more but less than four
81 hundred fifty grams of any material, compound, mixture, or
82 preparation which contains any quantity of 3,4-
83 methylenedioxyamphetamine; or

84 [(11)] (10) Twenty milligrams or more of fentanyl or
85 carfentanil, or any derivative thereof, or any combination
86 thereof, or any compound, mixture, or substance containing a
87 detectable amount of fentanyl or carfentanil, or their
88 optical isomers or analogues.

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

93 (1) Any quantity of the following substances having a
94 stimulant effect on the central nervous system:

95 amphetamine, its salts, optical isomers and salts of its
96 optical isomers; methamphetamine, its salts, isomers and
97 salts of its isomers; phenmetrazine and its salts; or
98 methylphenidate; or

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

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

 Section B. Because of the importance of ensuring
2 equitable application of law in the state of Missouri,
3 section A of this act is deemed necessary for the immediate
4 preservation of equality under the law, and is hereby
5 declared to be an emergency act within the meaning of the
6 constitution, and section A of this act shall be in full
7 force and effect upon its passage and approval.

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