

FIRST REGULAR SESSION

SENATE BILL NO. 451

103RD GENERAL ASSEMBLY

INTRODUCED BY SENATOR TRENT.

0096S.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Section A. Sections 579.030, 579.055, and 579.065, RSMo, are repealed and three new sections enacted in lieu thereof, to be known as sections 579.030, 579.055, and 579.065, to read as follows: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 **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 five hundred milligrams of a mixture or
18 substance containing a detectable amount of lysergic acid
19 diethylamide (LSD);

20 (4) More than thirty grams of a mixture or substance
21 containing a detectable amount of phencyclidine (PCP);

22 (5) More than four grams of phencyclidine;

23 (6) More than thirty kilograms of a mixture or
24 substance containing marijuana;

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

32 (8) More than thirty grams of any material, compound,
33 mixture, or preparation which contains any quantity of 3,4-
34 methylenedioxymethamphetamine;

35 (9) One gram or more of flunitrazepam for the first
36 offense;

37 (10) Any amount of gamma-hydroxybutyric acid for the
38 first offense; or

39 (11) 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 first
45 degree is a class B felony.

46 3. The offense of trafficking drugs in the first
47 degree is a class A 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) One gram or more of a mixture or substance
60 containing a detectable amount of lysergic acid diethylamide
61 (LSD); or

62 (4) Ninety grams or more of a mixture or substance
63 containing a detectable amount of phencyclidine (PCP); or

64 (5) Twelve grams or more of phencyclidine; or

65 (6) One hundred kilograms or more of a mixture or
66 substance containing marijuana; or

67 (7) Ninety grams or more of any material, compound,
68 mixture, or preparation containing any quantity of the
69 following substances having a stimulant effect on the
70 central nervous system: amphetamine, its salts, optical
71 isomers and salts of its optical isomers; methamphetamine,
72 its salts, optical isomers and salts of its optical isomers;
73 phenmetrazine and its salts; or methylphenidate; or

74 (8) More than thirty grams of any material, compound,
75 mixture, or preparation containing any quantity of the
76 following substances having a stimulant effect on the
77 central nervous system: amphetamine, its salts, optical
78 isomers, and salts of its optical isomers; methamphetamine,
79 its salts, optical isomers, and salts of its optical
80 isomers; phenmetrazine and its salts; or methylphenidate,
81 and the location of the offense was within two thousand feet
82 of real property comprising a public or private elementary,
83 vocational, or secondary school, college, community college,
84 university, or any school bus, in or on the real property
85 comprising public housing or any other governmental assisted
86 housing, or within a motor vehicle, or in any structure or
87 building which contains rooms furnished for the
88 accommodation or lodging of guests, and kept, used,

89 maintained, advertised, or held out to the public as a place
90 where sleeping accommodations are sought for pay or
91 compensation to transient guests or permanent guests; or

92 (9) Ninety grams or more of any material, compound,
93 mixture or preparation which contains any quantity of 3,4-
94 methylenedioxyamphetamine; or

95 (10) More than thirty grams of any material, compound,
96 mixture, or preparation which contains any quantity of 3,4-
97 methylenedioxyamphetamine and the location of the
98 offense was within two thousand feet of real property
99 comprising a public or private elementary, vocational, or
100 secondary school, college, community college, university, or
101 any school bus, in or on the real property comprising public
102 housing or any other governmental assisted housing, within a
103 motor vehicle, or in any structure or building which
104 contains rooms furnished for the accommodation or lodging of
105 guests, and kept, used, maintained, advertised, or held out
106 to the public as a place where sleeping accommodations are
107 sought for pay or compensation to transient guests or
108 permanent guests; **and the person distributes the drugs to a**
109 **person under twenty-two years of age;** or

110 (11) One gram or more of flunitrazepam for a second or
111 subsequent offense; or

112 (12) Any amount of gamma-hydroxybutyric acid for a
113 second or subsequent offense; or

114 (13) Twenty milligrams or more of fentanyl or
115 carfentanil, or any derivative thereof, or any combination
116 thereof, or any compound, mixture, or substance containing a
117 detectable amount of fentanyl or carfentanil, or their
118 optical isomers or analogues.

119 4. Subdivision (10) of subsection 3 of this section
120 shall not apply when the offense is committed by a person
121 under twenty-two years of age.

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