

SECOND REGULAR SESSION

# HOUSE BILL NO. 1254

99TH GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE SCHROER.

4552H.011

D. ADAM CRUMBLISS, Chief Clerk

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## 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.

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*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Section A. Sections 579.065 and 579.068, RSMo, are repealed and two new sections enacted in lieu thereof, to be known as sections 579.065 and 579.068, to read as follows: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 except as authorized by this chapter or chapter 195, such person knowingly distributes, delivers, manufactures, produces or attempts to distribute, deliver, manufacture or produce:

(1) More than thirty grams but less than ninety grams of a mixture or substance containing a detectable amount of heroin;

(2) More than one hundred fifty grams but less than four hundred fifty grams of a mixture or substance containing a detectable amount of coca leaves, except coca leaves and extracts of coca leaves from which cocaine, ecgonine, and derivatives of ecgonine or their salts have been removed; cocaine salts and their optical and geometric isomers, and salts of isomers; ecgonine, its derivatives, their salts, isomers, and salts of isomers; or any compound, mixture, or preparation which contains any quantity of any of the foregoing substances;

(3) More than eight grams but less than twenty-four grams of a mixture or substance described in subdivision (2) of this subsection which contains cocaine base;

(4) More than five hundred milligrams but less than one gram of a mixture or substance containing a detectable amount of lysergic acid diethylamide (LSD);

(5) More than thirty grams but less than ninety grams of a mixture or substance containing a detectable 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) More than four grams but less than twelve grams of phencyclidine;
- 19 (7) More than thirty kilograms but less than one hundred kilograms of a mixture or  
20 substance containing marijuana;
- 21 (8) More than thirty grams but less than ninety grams of any material, compound,  
22 mixture, or preparation containing any quantity of the following substances having a stimulant  
23 effect on the central nervous system: amphetamine, its salts, optical isomers and salts of its  
24 optical isomers; methamphetamine, its salts, optical isomers and salts of its optical isomers;  
25 phenmetrazine and its salts; or methylphenidate; [or]
- 26 (9) More than thirty grams but less than ninety grams of any material, compound,  
27 mixture, or preparation which contains any quantity of 3,4-methylenedioxymethamphetamine;  
28 **or**
- 29 **(10) More than ten grams but less than sixty grams of fentanyl, or any derivative**  
30 **thereof, or any mixture or substance containing a detectable amount of fentanyl.**
- 31 2. The offense of trafficking drugs in the first degree is a class B felony.
- 32 3. The offense of trafficking drugs in the first degree is a class A felony if the quantity  
33 involved is:
- 34 (1) Ninety grams or more of a mixture or substance containing a detectable amount of  
35 heroin; or
- 36 (2) Four hundred fifty grams or more of a mixture or substance containing a detectable  
37 amount of coca leaves, except coca leaves and extracts of coca leaves from which cocaine,  
38 ecgonine, and derivatives of ecgonine or their salts have been removed; cocaine salts and their  
39 optical and geometric isomers, and salts of isomers; ecgonine, its derivatives, their salts, isomers,  
40 and salts of isomers; or any compound, mixture, or preparation which contains any quantity of  
41 any of the foregoing substances; or
- 42 (3) Twenty-four grams or more of a mixture or substance described in subdivision (2)  
43 of this subsection which contains cocaine base; or
- 44 (4) One gram or more of a mixture or substance containing a detectable amount of  
45 lysergic acid diethylamide (LSD); or
- 46 (5) Ninety grams or more of a mixture or substance containing a detectable amount of  
47 phencyclidine (PCP); or
- 48 (6) Twelve grams or more of phencyclidine; or
- 49 (7) One hundred kilograms or more of a mixture or substance containing marijuana; or
- 50 (8) Ninety grams or more of any material, compound, mixture, or preparation containing  
51 any quantity of the following substances having a stimulant effect on the central nervous system:  
52 amphetamine, its salts, optical isomers and salts of its optical isomers; methamphetamine, its

53 salts, optical isomers and salts of its optical isomers; phenmetrazine and its salts; or  
54 methylphenidate; or

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

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

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

77 **(12) Sixty grams or more of fentanyl, or any derivative thereof, or any mixture or**  
78 **substance containing a detectable amount of fentanyl.**

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

4 (1) More than thirty grams but less than ninety grams of a mixture or substance  
5 containing a detectable amount of heroin;

6 (2) More than one hundred fifty grams but less than four hundred fifty grams of a  
7 mixture or substance containing a detectable amount of coca leaves, except coca leaves and  
8 extracts of coca leaves from which cocaine, ecgonine, and derivatives of ecgonine or their salts  
9 have been removed; cocaine salts and their optical and geometric isomers, and salts of isomers;

10 ecgonine, its derivatives, their salts, isomers, and salts of isomers; or any compound, mixture,  
11 or preparation which contains any quantity of any of the foregoing substances;

12 (3) More than eight grams but less than twenty-four grams of a mixture or substance  
13 described in subdivision (2) of this subsection which contains cocaine base;

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

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

18 (6) More than four grams but less than twelve grams of phencyclidine;

19 (7) More than thirty kilograms but less than one hundred kilograms of a mixture or  
20 substance containing marijuana;

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

26 (9) More than thirty grams but less than ninety grams of any material, compound,  
27 mixture, or preparation which contains any quantity of 3,4-methylenedioxymethamphetamine;  
28 or

29 **(10) More than ten grams but less than sixty grams of fentanyl, or any derivative**  
30 **thereof, or any mixture or substance containing a detectable amount of fentanyl.**

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

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

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

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

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

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

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

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

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

50 (8) More than five hundred marijuana plants; or

51 (9) 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 having  
53 a stimulant effect on the central nervous system: amphetamine, its salts, optical isomers and salts  
54 of its optical isomers; methamphetamine, its salts, optical isomers and salts of its optical isomers;  
55 phenmetrazine and its salts; or methylphenidate; or

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

59 **(11) Sixty grams or more of fentanyl, or any derivative thereof, or any mixture or**  
60 **substance containing a detectable amount of fentanyl.**

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

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

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

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