

SECOND REGULAR SESSION

SENATE BILL NO. 702

100TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR ONDER.

Pre-filed December 1, 2019, and ordered printed.

ADRIANE D. CROUSE, Secretary.

3530S.011

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 trafficking drugs containing fentanyl or carfentanil, with existing 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Section A. Sections 579.065 and 579.068, RSMo, are repealed and two new sections enacted in lieu thereof, to be known as sections 579.065 and 579.068, to read as follows: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

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

18 mixture or substance containing a detectable amount of lysergic acid diethylamide
19 (LSD);

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

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

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

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

31 (9) More than thirty grams but less than ninety grams of any material,
32 compound, mixture, or preparation which contains any quantity of
33 3,4-methylenedioxymethamphetamine; or

34 **(10) More than ten milligrams but less than fifty milligrams of**
35 **fentanyl or carfentanil, or any derivative thereof, or any combination**
36 **thereof, or any mixture or substance containing a detectable amount of**
37 **fentanyl or carfentanil.**

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

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

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

43 (2) Four hundred fifty grams or more of a mixture or substance containing
44 a detectable amount of coca leaves, except coca leaves and extracts of coca leaves
45 from which cocaine, ecgonine, and derivatives of ecgonine or their salts have been
46 removed; cocaine salts and their optical and geometric isomers, and salts of
47 isomers; ecgonine, its derivatives, their salts, isomers, and salts of isomers; or any
48 compound, mixture, or preparation which contains any quantity of any of the
49 foregoing substances; or

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

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

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

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

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

59 (8) Ninety grams or more of any material, compound, mixture, or
60 preparation containing any quantity of the following substances having a
61 stimulant effect on the central nervous system: amphetamine, its salts, optical
62 isomers and salts of its optical isomers; methamphetamine, its salts, optical
63 isomers and salts of its optical isomers; phenmetrazine and its salts; or
64 methylphenidate; or

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

78 (10) Ninety grams or more of any material, compound, mixture or
79 preparation which contains any quantity of
80 3,4-methylenedioxymethamphetamine; or

81 (11) More than thirty grams of any material, compound, mixture, or
82 preparation which contains any quantity of 3,4-methylenedioxymethamphetamine
83 and the location of the offense was within two thousand feet of real property
84 comprising a public or private elementary, vocational, or secondary school,
85 college, community college, university, or any school bus, in or on the real
86 property comprising public housing or any other governmental assisted housing,
87 within a motor vehicle, or in any structure or building which contains rooms
88 furnished for the accommodation or lodging of guests, and kept, used, maintained,
89 advertised, or held out to the public as a place where sleeping accommodations

90 are sought for pay or compensation to transient guests or permanent guests; or
91 **(12) Fifty milligrams or more of fentanyl or carfentanil, or any**
92 **derivative thereof, or any combination thereof, or any mixture or**
93 **substance containing a detectable amount of fentanyl or carfentanil.**

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

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

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

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

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

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

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

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

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

31 (9) More than thirty grams but less than ninety grams of any material,
32 compound, mixture, or preparation which contains any quantity of

33 3,4-methylenedioxyamphetamine; or

34 **(10) More than ten milligrams but less than fifty milligrams of**
35 **fentanyl or carfentanil, or derivative thereof, or any combination**
36 **thereof, or any mixture or substance containing a detectable amount of**
37 **fentanyl or carfentanil.**

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

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

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

43 (2) Four hundred fifty grams or more of a mixture or substance containing
44 a detectable amount of coca leaves, except coca leaves and extracts of coca leaves
45 from which cocaine, ecgonine, and derivatives of ecgonine or their salts have been
46 removed; cocaine salts and their optical and geometric isomers, and salts of
47 isomers; ecgonine, its derivatives, their salts, isomers, and salts of isomers; or any
48 compound, mixture, or preparation which contains any quantity of any of the
49 foregoing substances; or

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

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

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

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

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

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

60 (9) Ninety grams or more but less than four hundred fifty grams of any
61 material, compound, mixture, or preparation containing any quantity of the
62 following substances having a stimulant effect on the central nervous system:
63 amphetamine, its salts, optical isomers and salts of its optical isomers;
64 methamphetamine, its salts, optical isomers and salts of its optical isomers;
65 phenmetrazine and its salts; or methylphenidate; or

66 (10) Ninety grams or more but less than four hundred fifty grams of any
67 material, compound, mixture, or preparation which contains any quantity of
68 3,4-methylenedioxyamphetamine; or

69 **(11) Fifty milligrams or more of fentanyl or carfentanil, or any**
70 **derivative thereof, or any combination thereof, or any mixture or**
71 **substance containing a detectable amount of fentanyl or carfentanil.**

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

75 (1) Any quantity of the following substances having a stimulant effect on
76 the central nervous system: amphetamine, its salts, optical isomers and salts of
77 its optical isomers; methamphetamine, its salts, isomers and salts of its isomers;
78 phenmetrazine and its salts; or methylphenidate; or

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

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Bill

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