

SECOND REGULAR SESSION

SENATE BILL NO. 732

96TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR CURLS.

Read 1st time February 1, 2012, and ordered printed.

TERRY L. SPIELER, Secretary.

5384S.011

AN ACT

To repeal sections 195.222, 195.223, 195.295, and 195.296, RSMo, and to enact in lieu thereof four new sections relating to the crime of trafficking drugs, with existing penalty provisions.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Sections 195.222, 195.223, 195.295, and 195.296, RSMo, are
2 repealed and four new sections enacted in lieu thereof, to be known as sections
3 195.222, 195.223, 195.295, and 195.296, to read as follows:

195.222. 1. A person commits the crime of trafficking drugs in the first
2 degree if, except as authorized by sections 195.005 to 195.425, he distributes,
3 delivers, manufactures, produces or attempts to distribute, deliver, manufacture
4 or produce more than thirty grams of a mixture or substance containing a
5 detectable amount of heroin. Violations of this subsection shall be punished as
6 follows:

7 (1) If the quantity involved is more than thirty grams but less than ninety
8 grams the person shall be sentenced to the authorized term of imprisonment for
9 a class A felony;

10 (2) If the quantity involved is ninety grams or more the person shall be
11 sentenced to the authorized term of imprisonment for a class A felony which term
12 shall be served without probation or parole.

13 2. A person commits the crime of trafficking drugs in the first degree if,
14 except as authorized by sections 195.005 to 195.425, he distributes, delivers,
15 manufactures, produces or attempts to distribute, deliver, manufacture or produce
16 more than one hundred fifty grams of a mixture or substance containing a
17 detectable amount of coca leaves, except coca leaves and extracts of coca leaves

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

18 from which cocaine, ecgonine, and derivatives of ecgonine or their salts have been
19 removed; cocaine salts and their optical and geometric isomers, and salts of
20 isomers; ecgonine, its derivatives, their salts, isomers, and salts of isomers; or any
21 compound, mixture, or preparation which contains any quantity of any of the
22 foregoing substances. Violations of this subsection shall be punished as follows:

23 (1) If the quantity involved is more than one hundred fifty grams but less
24 than four hundred fifty grams the person shall be sentenced to the authorized
25 term of imprisonment for a class A felony;

26 (2) If the quantity involved is four hundred fifty grams or more the person
27 shall be sentenced to the authorized term of imprisonment for a class A felony
28 which term shall be served without probation or parole.

29 3. [A person commits the crime of trafficking drugs in the first degree if,
30 except as authorized by sections 195.005 to 195.425, he distributes, delivers,
31 manufactures, produces or attempts to distribute, deliver, manufacture or produce
32 more than two grams of a mixture or substance described in subsection 2 of this
33 section which contains cocaine base. Violations of this subsection shall be
34 punished as follows:

35 (1) If the quantity involved is more than two grams but less than six
36 grams the person shall be sentenced to the authorized term of imprisonment for
37 a class A felony;

38 (2) If the quantity involved is six grams or more the person shall be
39 sentenced to the authorized term of imprisonment for a class A felony which term
40 shall be served without probation or parole.

41 4.] A person commits the crime of trafficking drugs in the first degree if,
42 except as authorized by sections 195.005 to 195.425, he distributes, delivers,
43 manufactures, produces or attempts to distribute, deliver, manufacture or produce
44 more than five hundred milligrams of a mixture or substance containing a
45 detectable amount of lysergic acid diethylamide (LSD). Violations of this
46 subsection shall be punished as follows:

47 (1) If the quantity involved is more than five hundred milligrams but less
48 than one gram the person shall be sentenced to the authorized term of
49 imprisonment for a class A felony;

50 (2) If the quantity involved is one gram or more the person shall be
51 sentenced to the authorized term of imprisonment for a class A felony which term
52 shall be served without probation or parole.

53 [5.] 4. A person commits the crime of trafficking drugs in the first degree

54 if, except as authorized by sections 195.005 to 195.425, he distributes, delivers,
55 manufactures, produces or attempts to distribute, deliver, manufacture or produce
56 more than thirty grams of a mixture or substance containing a detectable amount
57 of phencyclidine (PCP). Violations of this subsection shall be punished as follows:

58 (1) If the quantity involved is more than thirty grams but less than ninety
59 grams the person shall be sentenced to the authorized term of imprisonment for
60 a class A felony;

61 (2) If the quantity involved is ninety grams or more the person shall be
62 sentenced to the authorized term of imprisonment for a class A felony which term
63 shall be served without probation or parole.

64 [6.] 5. A person commits the crime of trafficking drugs in the first degree
65 if, except as authorized by sections 195.005 to 195.425, he distributes, delivers,
66 manufactures, produces or attempts to distribute, deliver, manufacture or produce
67 more than four grams of phencyclidine. Violations of this subsection shall be
68 punished as follows:

69 (1) If the quantity involved is more than four grams but less than twelve
70 grams the person shall be sentenced to the authorized term of imprisonment for
71 a class A felony;

72 (2) If the quantity involved is twelve grams or more the person shall be
73 sentenced to the authorized term of imprisonment for a class A felony which term
74 shall be served without probation or parole.

75 [7.] 6. A person commits the crime of trafficking drugs in the first degree
76 if, except as authorized by sections 195.005 to 195.425, he distributes, delivers,
77 manufactures, produces or attempts to distribute, deliver, manufacture or produce
78 more than thirty kilograms of a mixture or substance containing
79 marijuana. Violations of this subsection shall be punished as follows:

80 (1) If the quantity involved is more than thirty kilograms but less than
81 one hundred kilograms the person shall be sentenced to the authorized term of
82 imprisonment for a class A felony;

83 (2) If the quantity involved is one hundred kilograms or more the person
84 shall be sentenced to the authorized term of imprisonment for a class A felony
85 which term shall be served without probation or parole.

86 [8.] 7. A person commits the crime of trafficking drugs in the first degree
87 if, except as authorized by sections 195.005 to 195.425, he distributes, delivers,
88 manufactures, produces or attempts to distribute, deliver, manufacture or produce
89 more than thirty grams of any material, compound, mixture or preparation which

90 contains any quantity of the following substances having a stimulant effect on the
91 central nervous system: amphetamine, its salts, optical isomers and salts of its
92 optical isomers; methamphetamine, its salts, optical isomers and salts of its
93 optical isomers; phenmetrazine and its salts; or methylphenidate. Violations of
94 this subsection or attempts to violate this subsection shall be punished as follows:

95 (1) If the quantity involved is more than thirty grams but less than ninety
96 grams the person shall be sentenced to the authorized term of imprisonment for
97 a class A felony;

98 (2) If the quantity involved is ninety grams or more, or if the quantity
99 involved was thirty grams or more and the location of the offense was within two
100 thousand feet of a school or public housing as defined in section 195.214 or
101 section 195.218 or within a motor vehicle, or any structure or building which
102 contains rooms furnished for the accommodation or lodging of guests, and kept,
103 used, maintained, advertised, or held out to the public as a place where sleeping
104 accommodations are sought for pay or compensation to transient guests or
105 permanent guests, the person shall be sentenced to the authorized term of
106 imprisonment for a class A felony which term shall be served without probation
107 or parole.

108 [9.] 8. A person commits the crime of trafficking drugs in the first degree
109 if, except as authorized by sections 195.005 to 195.425, he or she distributes,
110 delivers, manufactures, produces or attempts to distribute, deliver, manufacture
111 or produce more than thirty grams of any material, compound, mixture or
112 preparation which contains any quantity of
113 3,4-methylenedioxymethamphetamine. Violations of this subsection or attempts
114 to violate this subsection shall be punished as follows:

115 (1) If the quantity involved is more than thirty grams but less than ninety
116 grams the person shall be sentenced to the authorized term of imprisonment for
117 a class A felony;

118 (2) If the quantity involved is ninety grams or more, or if the quantity
119 involved was thirty grams or more and the location of the offense was within two
120 thousand feet of a school or public housing as defined in section 195.214 or
121 section 195.218 or within a motor vehicle, or any structure or building which
122 contains rooms furnished for the accommodation or lodging of guests, and kept,
123 used, maintained, advertised, or held out to the public as a place where sleeping
124 accommodations are sought for pay or compensation to transient guests or
125 permanent guests, the person shall be sentenced to the authorized term of

126 imprisonment for a class A felony which term shall be served without probation
127 or parole.

195.223. 1. A person commits the crime of trafficking drugs in the second
2 degree if, except as authorized by sections 195.005 to 195.425, he possesses or has
3 under his control, purchases or attempts to purchase, or brings into this state
4 more than thirty grams of a mixture or substance containing a detectable amount
5 of heroin. Violations of this subsection shall be punished as follows:

6 (1) If the quantity involved is more than thirty grams but less than ninety
7 grams the person shall be guilty of a class B felony;

8 (2) If the quantity involved is ninety grams or more the person shall be
9 guilty of a class A felony.

10 2. A person commits the crime of trafficking drugs in the second degree
11 if, except as authorized by sections 195.005 to 195.425, he possesses or has under
12 his control, purchases or attempts to purchase, or brings into this state more than
13 one hundred fifty grams of a mixture or substance containing a detectable amount
14 of coca leaves, except coca leaves and extracts of coca leaves from which cocaine,
15 ecgonine, and derivatives of ecgonine or their salts have been removed; cocaine
16 salts and their optical and geometric isomers, and salts of isomers; ecgonine, its
17 derivatives, their salts, isomers, and salts of isomers; or any compound, mixture,
18 or preparation which contains any quantity of any of the foregoing
19 substances. Violations of this subsection shall be punished as follows:

20 (1) If the quantity involved is more than one hundred fifty grams but less
21 than four hundred fifty grams the person shall be guilty of a class B felony;

22 (2) If the quantity involved is four hundred fifty grams or more the person
23 shall be guilty of a class A felony.

24 3. [A person commits the crime of trafficking drugs in the second degree
25 if, except as authorized by sections 195.005 to 195.425, he possesses or has under
26 his control, purchases or attempts to purchase, or brings into this state more than
27 two grams of a mixture or substance described in subsection 2 of this section
28 which contains cocaine base. Violations of this subsection shall be punished as
29 follows:

30 (1) If the quantity involved is more than two grams but less than six
31 grams the person shall be guilty of a class B felony;

32 (2) If the quantity involved is six grams or more the person shall be guilty
33 of a class A felony.

34 4.] A person commits the crime of trafficking drugs in the second degree

35 if, except as authorized by sections 195.005 to 195.425, he possesses or has under
36 his control, purchases or attempts to purchase, or brings into this state more than
37 five hundred milligrams of a mixture or substance containing a detectable amount
38 of lysergic acid diethylamide (LSD). Violations of this subsection shall be
39 punished as follows:

40 (1) If the quantity involved is more than five hundred milligrams but less
41 than one gram the person shall be guilty of a class B felony;

42 (2) If the quantity involved is one gram or more the person shall be guilty
43 of a class A felony.

44 [5.] 4. A person commits the crime of trafficking drugs in the second
45 degree if, except as authorized by sections 195.005 to 195.425, he possesses or has
46 under his control, purchases or attempts to purchase, or brings into this state
47 more than thirty grams of a mixture or substance containing a detectable amount
48 of phencyclidine (PCP). Violations of this subsection shall be punished as follows:

49 (1) If the quantity involved is more than thirty grams but less than ninety
50 grams the person shall be guilty of a class B felony;

51 (2) If the quantity involved is ninety grams or more the person shall be
52 guilty of a class A felony.

53 [6.] 5. A person commits the crime of trafficking drugs in the second
54 degree if, except as authorized by sections 195.005 to 195.425, he possesses or has
55 under his control, purchases or attempts to purchase, or brings into this state
56 more than four grams of phencyclidine. Violations of this subsection shall be
57 punished as follows:

58 (1) If the quantity involved is more than four grams but less than twelve
59 grams the person shall be guilty of a class B felony;

60 (2) If the quantity involved is twelve grams or more the person shall be
61 guilty of a class A felony.

62 [7.] 6. A person commits the crime of trafficking drugs in the second
63 degree if, except as authorized by sections 195.005 to 195.425, he possesses or has
64 under his control, purchases or attempts to purchase, or brings into this state
65 more than thirty kilograms or more of a mixture or substance containing
66 marijuana. Violations of this subsection shall be punished as follows:

67 (1) If the quantity involved is more than thirty kilograms but less than
68 one hundred kilograms the person shall be guilty of a class B felony;

69 (2) If the quantity involved is one hundred kilograms or more the person
70 shall be guilty of a class A felony.

71 [8.] 7. A person commits the class A felony of trafficking drugs in the
72 second degree if, except as authorized by sections 195.005 to 195.425, he
73 possesses or has under his control, purchases or attempts to purchase, or brings
74 into this state more than five hundred marijuana plants.

75 [9.] 8. A person commits the crime of trafficking drugs in the second
76 degree if, except as authorized by sections 195.005 to 195.425, he possesses or has
77 under his control, purchases or attempts to purchase, or brings into this state
78 more than thirty grams of any material, compound, mixture or preparation which
79 contains any quantity of the following substances having a stimulant effect on the
80 central nervous system: amphetamine, its salts, optical isomers and salts of its
81 optical isomers; methamphetamine, its salts, isomers and salts of its isomers;
82 phenmetrazine and its salts; or methylphenidate. Violations of this subsection
83 or attempts to violate this subsection shall be punished as follows:

84 (1) If the quantity involved is more than thirty grams but less than ninety
85 grams the person shall be guilty of a class B felony;

86 (2) If the quantity involved is ninety grams or more but less than four
87 hundred fifty grams, the person shall be guilty of a class A felony;

88 (3) If the quantity involved is four hundred fifty grams or more, the
89 person shall be guilty of a class A felony and the term of imprisonment shall be
90 served without probation or parole.

91 [10.] 9. A person commits the crime of trafficking drugs in the second
92 degree if, except as authorized by sections 195.005 to 195.425, he or she possesses
93 or has under his or her control, purchases or attempts to purchase, or brings into
94 this state more than thirty grams of any material, compound, mixture or
95 preparation which contains any quantity of
96 3,4-methylenedioxymethamphetamine. Violations of this subsection or attempts
97 to violate this subsection shall be punished as follows:

98 (1) If the quantity involved is more than thirty grams but less than ninety
99 grams the person shall be guilty of a class B felony;

100 (2) If the quantity involved is ninety grams or more but less than four
101 hundred fifty grams, the person shall be guilty of a class A felony;

102 (3) If the quantity involved is four hundred fifty grams or more, the
103 person shall be guilty of a class A felony and the term of imprisonment shall be
104 served without probation or parole.

195.295. 1. Any person who has pleaded guilty to or been found guilty of
2 violation of subdivision (1) of subsection 1 of section 195.223, subdivision (1) of

3 subsection 2 of section 195.223, subdivision (1) of subsection 3 of section 195.223,
4 subdivision (1) of subsection 4 of section 195.223, subdivision (1) of subsection 5
5 of section 195.223, **or** subdivision (1) of subsection 6 of section 195.223[, or
6 subdivision (1) of subsection 7 of section 195.223] shall be sentenced to the
7 authorized term of imprisonment for a class A felony if the court finds the
8 defendant is a prior drug offender.

9 2. Any person who has pleaded guilty to or been found guilty of a violation
10 of subdivision (1) of subsection 1 of section 195.223, subdivision (1) of subsection
11 2 of section 195.223, subdivision (1) of subsection 3 of section 195.223, subdivision
12 (1) of subsection 4 of section 195.223, subdivision (1) of subsection 5 of section
13 195.223, subdivision (1) of subsection 6 of section 195.223, [or subdivision (1) of
14 subsection 7 of section 195.223,] or subdivision (1) of subsection [9] 8 of section
15 195.223 shall be sentenced to the authorized term of imprisonment for a class A
16 felony, which term shall be without probation or parole, if the court finds the
17 defendant is a persistent drug offender.

18 3. Any person who has pleaded guilty to or been found guilty of a violation
19 of subdivision (2) of subsection 1 of section 195.223, subdivision (2) of subsection
20 2 of section 195.223, subdivision (2) of subsection 3 of section 195.223, subdivision
21 (2) of subsection 4 of section 195.223, subdivision (2) of subsection 5 of section
22 195.223, subdivision (2) of subsection 6 of section 195.223, [or subdivision (2) of
23 subsection 7 of section 195.223] or subsection [8] 7 of section 195.223, or
24 subdivision (2) of subsection [9] 8 of section 195.223 shall be sentenced to the
25 authorized term of imprisonment for a class A felony, which term shall be served
26 without probation or parole, if the court finds the defendant is a prior drug
27 offender.

 195.296. Any person who has pleaded guilty to or been found guilty of
2 violation of subdivision (1) of subsection 1 of section 195.222, subdivision (1) of
3 subsection 2 of section 195.222, subdivision (1) of subsection 3 of section 195.222,
4 subdivision (1) of subsection 4 of section 195.222, subdivision (1) of subsection 5
5 of section 195.222, subdivision (1) of subsection 6 of section 195.222, or
6 subdivision (1) of subsection 7 of section 195.222[, or subdivision (1) of subsection
7 8 of section 195.222] shall be sentenced to the authorized term of imprisonment
8 for a class A felony which term shall be served without probation or parole if the
9 court finds the defendant is a prior drug offender.

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