

SECOND REGULAR SESSION

HOUSE BILL NO. 1894

96TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES CARTER (Sponsor), JONES (63), OXFORD,
ELLINGTON AND PACE (Co-sponsors).

5088L.011

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal sections 195.222 and 195.223, RSMo, and to enact in lieu thereof two new sections relating to trafficking drugs, with penalty provisions.

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

Section A. Sections 195.222 and 195.223, RSMo, are repealed and two new sections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

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

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

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

11 2. A person commits the crime of trafficking drugs in the first degree if, except as
12 authorized by sections 195.005 to 195.425, he distributes, delivers, manufactures, produces or
13 attempts to distribute, deliver, manufacture or produce more than one hundred fifty grams of a
14 mixture or substance containing a detectable amount of coca leaves, except coca leaves and
15 extracts of coca leaves from which cocaine, ecgonine, and derivatives of ecgonine or their salts
16 have been removed; cocaine salts and their optical and geometric isomers, and salts of isomers;

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.

17 ecgonine, its derivatives, their salts, isomers, and salts of isomers; or any compound, mixture,
18 or preparation which contains any quantity of any of the foregoing substances. Violations of this
19 subsection shall be punished as follows:

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

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

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

31 (1) If the quantity involved is more than [two] **thirty-six** grams but less than [six] **one**
32 **hundred eight** grams the person shall be sentenced to the authorized term of imprisonment for
33 a class A felony;

34 (2) If the quantity involved is [six] **one hundred eight** grams or more the person shall
35 be sentenced to the authorized term of imprisonment for a class A felony which term shall be
36 served without probation or parole.

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

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

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

47 5. A person commits the crime of trafficking drugs in the first degree if, except as
48 authorized by sections 195.005 to 195.425, he distributes, delivers, manufactures, produces or
49 attempts to distribute, deliver, manufacture or produce more than thirty grams of a mixture or
50 substance containing a detectable amount of phencyclidine (PCP). Violations of this subsection
51 shall be punished as follows:

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

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

57 6. A person commits the crime of trafficking drugs in the first degree if, except as
58 authorized by sections 195.005 to 195.425, he distributes, delivers, manufactures, produces or
59 attempts to distribute, deliver, manufacture or produce more than four grams of phencyclidine.
60 Violations of this subsection shall be punished as follows:

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

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

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

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

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

76 8. A person commits the crime of trafficking drugs in the first degree if, except as
77 authorized by sections 195.005 to 195.425, he distributes, delivers, manufactures, produces or
78 attempts to distribute, deliver, manufacture or produce more than thirty grams of any material,
79 compound, mixture or preparation which contains any quantity of the following substances
80 having a stimulant effect on the central nervous system: amphetamine, its salts, optical isomers
81 and salts of its optical isomers; methamphetamine, its salts, optical isomers and salts of its
82 optical isomers; 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 grams the
85 person shall be sentenced to the authorized term of imprisonment for a class A felony;

86 (2) If the quantity involved is ninety grams or more, or if the quantity involved was thirty
87 grams or more and the location of the offense was within two thousand feet of a school or public

88 housing as defined in section 195.214 or section 195.218 or within a motor vehicle, or any
89 structure or building which contains rooms furnished for the accommodation or lodging of
90 guests, and kept, used, maintained, advertised, or held out to the public as a place where sleeping
91 accommodations are sought for pay or compensation to transient guests or permanent guests, the
92 person shall be sentenced to the authorized term of imprisonment for a class A felony which term
93 shall be served without probation or parole.

94 9. A person commits the crime of trafficking drugs in the first degree if, except as
95 authorized by sections 195.005 to 195.425, he or she distributes, delivers, manufactures,
96 produces or attempts to distribute, deliver, manufacture or produce more than thirty grams of any
97 material, compound, mixture or preparation which contains any quantity of
98 3,4-methylenedioxymethamphetamine. Violations of this subsection or attempts to violate this
99 subsection shall be punished as follows:

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

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

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

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

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

10 2. A person commits the crime of trafficking drugs in the second degree if, except as
11 authorized by sections 195.005 to 195.425, he possesses or has under his control, purchases or
12 attempts to purchase, or brings into this state more than one hundred fifty grams of a mixture or
13 substance containing a detectable amount of coca leaves, except coca leaves and extracts of coca
14 leaves from which cocaine, ecgonine, and derivatives of ecgonine or their salts have been

15 removed; cocaine salts and their optical and geometric isomers, and salts of isomers; ecgonine,
16 its derivatives, their salts, isomers, and salts of isomers; or any compound, mixture, or
17 preparation which contains any quantity of any of the foregoing substances. Violations of this
18 subsection shall be punished as follows:

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

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

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

28 (1) If the quantity involved is more than [two] **thirty-six** grams but less than [six] **one**
29 **hundred eight** grams the person shall be guilty of a class B felony;

30 (2) If the quantity involved is [six] **one hundred eight** grams or more the person shall
31 be guilty of a class A felony.

32 4. A person commits the crime of trafficking drugs in the second degree if, except as
33 authorized by sections 195.005 to 195.425, he possesses or has under his control, purchases or
34 attempts to purchase, or brings into this state more than five hundred milligrams of a mixture or
35 substance containing a detectable amount of lysergic acid diethylamide (LSD). Violations of this
36 subsection shall be punished as follows:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

84 10. A person commits the crime of trafficking drugs in the second degree if, except as
85 authorized by sections 195.005 to 195.425, he or she possesses or has under his or her control,

86 purchases or attempts to purchase, or brings into this state more than thirty grams of any
87 material, compound, mixture or preparation which contains any quantity of
88 3,4-methylenedioxymethamphetamine. Violations of this subsection or attempts to violate this
89 subsection shall be punished as follows:

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

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

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

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