

HOUSE _____ AMENDMENT NO. _____

Offered By

1 AMEND House Committee Substitute for House Bill No. 1256, Page 4, Section 67.2010, Line 16,
2 by inserting after all of said line the following:

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

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

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

14 2. A person commits the crime of trafficking drugs in the first degree if, except as
15 authorized by sections 195.005 to 195.425, he distributes, delivers, manufactures, produces or
16 attempts to distribute, deliver, manufacture or produce more than one hundred fifty grams of a
17 mixture or substance containing a detectable amount of coca leaves, except coca leaves and
18 extracts of coca leaves from which cocaine, ecgonine, and derivatives of ecgonine or their salts
19 have been removed; cocaine salts and their optical and geometric isomers, and salts of isomers;
20 ecgonine, its derivatives, their salts, isomers, and salts of isomers; or any compound, mixture, or
21 preparation which contains any quantity of any of the foregoing substances. Violations of this
22 subsection shall be punished as follows:

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

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

29 3. A person commits the crime of trafficking drugs in the first degree if, except as

1 authorized by sections 195.005 to 195.425, he distributes, delivers, manufactures, produces or
2 attempts to distribute, deliver, manufacture or produce more than [two] twenty eight grams of a
3 mixture or substance described in subsection 2 of this section which contains cocaine base.

4 Violations of this subsection shall be punished as follows:

5 (1) If the quantity involved is more than [two] twenty eight grams but less than [six] two
6 hundred eighty grams the person shall be sentenced to the authorized term of imprisonment for a
7 class A felony;

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

11 4. 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 five hundred milligrams of a
14 mixture or substance containing a detectable amount of lysergic acid diethylamide (LSD).

15 Violations of this subsection shall be punished as follows:

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

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

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

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

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

31 6. A person commits the crime of trafficking drugs in the first degree if, except as
32 authorized by sections 195.005 to 195.425, he distributes, delivers, manufactures, produces or
33 attempts to distribute, deliver, manufacture or produce more than four grams of phencyclidine.

34 Violations of this subsection shall be punished as follows:

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

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

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

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

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

14 8. A person commits the crime of trafficking drugs in the first degree if, except as
15 authorized by sections 195.005 to 195.425, he distributes, delivers, manufactures, produces or
16 attempts to distribute, deliver, manufacture or produce more than thirty grams of any material,
17 compound, mixture or preparation which contains any quantity of the following substances having
18 a stimulant effect on the central nervous system: amphetamine, its salts, optical isomers and salts
19 of its optical isomers; methamphetamine, its salts, optical isomers and salts of its optical isomers;
20 phenmetrazine and its salts; or methylphenidate. Violations of this subsection or attempts to
21 violate this subsection shall be punished as follows:

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

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

32 9. A person commits the crime of trafficking drugs in the first degree if, except as
33 authorized by sections 195.005 to 195.425, he or she distributes, delivers, manufactures, produces
34 or attempts to distribute, deliver, manufacture or produce more than thirty grams of any material,
35 compound, mixture or preparation which contains any quantity of
36 3,4-methylenedioxymethamphetamine. Violations of this subsection or attempts to violate this

1 subsection shall be punished as follows:

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

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

12 195.223. 1. A person commits the crime of trafficking drugs in the second degree if,
13 except as authorized by sections 195.005 to 195.425, he possesses or has under his control,
14 purchases or attempts to purchase, or brings into this state more than thirty grams of a mixture or
15 substance containing a detectable amount of heroin. Violations of this subsection shall be
16 punished as follows:

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

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

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

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

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

34 3. A person commits the crime of trafficking drugs in the second degree if, except as
35 authorized by sections 195.005 to 195.425, he possesses or has under his control, purchases or
36 attempts to purchase, or brings into this state more than [two] twenty eight grams of a mixture or

1 substance described in subsection 2 of this section which contains cocaine base. Violations of this
2 subsection shall be punished as follows:

3 (1) If the quantity involved is more than [two] twenty eight grams but less than [six] two
4 hundred eighty grams the person shall be guilty of a class B felony;

5 (2) If the quantity involved is [six] two hundred eighty grams or more the person shall be
6 guilty of a class A felony.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

22 10. A person commits the crime of trafficking drugs in the second degree if, except as
23 authorized by sections 195.005 to 195.425, he or she possesses or has under his or her control,
24 purchases or attempts to purchase, or brings into this state more than thirty grams of any material,
25 compound, mixture or preparation which contains any quantity of
26 3,4-methylenedioxymethamphetamine. Violations of this subsection or attempts to violate this
27 subsection shall be punished as follows:

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

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

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

34 and

35 Further amend said bill by amending the title, enacting clause, and intersectional references
36 accordingly.