

SENATE COMMITTEE SUBSTITUTE

FOR

HOUSE BILL NO. 1625

AN ACT

To repeal sections 478.600, 478.630, 579.022, 579.065, and 579.068, RSMo, and to enact in lieu thereof five new sections relating to judicial proceedings, with penalty provisions.

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

Section A. Sections 478.600, 478.630, 579.022, 579.065, and 579.068, RSMo, are repealed and five new sections enacted in lieu thereof, to be known as sections 478.600, 478.630, 579.022, 579.065, and 579.068, to read as follows:

478.600. 1. There shall be four circuit judges in the eleventh judicial circuit. These judges shall sit in divisions numbered one, two, three and four. Beginning on January 1, 2007, there shall be six circuit judges in the eleventh judicial circuit and these judges shall sit in divisions numbered one, two, three, four, five, and seven. The division five associate circuit judge position and the division seven associate circuit judge position shall become circuit judge positions beginning January 1, 2007, and shall be numbered as divisions five and seven. Beginning on January 1, 2029, there shall be eight circuit judges in the eleventh judicial circuit. These judges shall sit in divisions numbered one, two, three, four, five, seven, seventeen, and eighteen.

2. The circuit judge in division two shall be elected in 1980. The circuit judge in division four shall be elected in 1982. The circuit judge in division one shall be elected in 1984. The circuit judge in division three shall be elected in 1992. The circuit judges in divisions five

and seven shall be elected [for a six-year term] in 2006. The circuit judges in divisions seventeen and eighteen shall be elected in 2028.

3. Beginning January 1, 2007, the family court commissioner positions in the eleventh judicial circuit appointed under section 487.020 shall become associate circuit judge positions in all respects and shall be designated as divisions nine and ten respectively. These positions may retain the duties and responsibilities with regard to the family court. The associate circuit judges in divisions nine and ten shall be elected in 2006 for full four-year terms.

4. Beginning on January 1, 2007, the treatment court commissioner position in the eleventh judicial circuit appointed under section 478.003 shall become an associate circuit judge position in all respects. Such associate circuit judge shall be elected in 2006 for a full four-year term. This associate circuit judgeship shall not be included in the statutory formula for authorizing additional associate circuit judgeships per county under section 478.320.

5. Beginning in fiscal year 2015, there shall be one additional associate circuit judge position in the eleventh judicial circuit. The associate circuit judge shall be elected in 2016. This associate circuit judgeship shall not be included in the statutory formula for authorizing additional circuit judgeships per county under section 478.320. Beginning in fiscal year 2019, there shall be one additional associate circuit judge position in the eleventh judicial circuit. The associate circuit judge shall be elected in 2020. This associate circuit judgeship shall not be included in the statutory formula for authorizing

additional circuit judgeships per county under section 478.320.

6. There shall be one additional associate circuit judge position in the eleventh judicial circuit. The associate circuit judge shall be elected in 2028. This associate circuit judge shall not be included in the statutory formula for authorizing additional associate circuit judges per county as provided in section 478.320.

478.630. 1. There shall be two circuit judges in the twentieth judicial circuit consisting of the counties of Franklin, Gasconade and Osage. These judges shall sit in divisions numbered one and two.

2. The circuit judge in division two shall be elected in 1980. The circuit judge in division one shall be elected in 1982.

3. There shall be one additional associate circuit judge in Franklin County. This associate circuit judge shall not be included in the statutory formula for authorizing additional associate circuit judges per county as provided under section 478.320. The governor shall appoint such judge, and that judge shall serve until January 1, 2029. An associate circuit judge shall be elected in 2028.

579.022. 1. A person commits the offense of delivery of a controlled substance causing death if a person delivers or distributes a controlled substance under section 579.020 [knowing such substance is mixed with another controlled substance] and a death results from the use of such controlled substance.

2. It shall not be a defense that the user contributed to the user's own death by using the controlled substance or consenting to the administration of the controlled substance by another.

3. The offense of delivery of a controlled substance causing death is a class A felony.

4. For purposes of this section, "controlled substance" means a Schedule I or Schedule II controlled substance, as defined in section 195.017.

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 of a mixture or substance containing a detectable amount of heroin;

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

(4) More than thirty grams of a mixture or substance containing a detectable amount of phencyclidine (PCP);

(5) More than four grams of phencyclidine;

(6) More than thirty kilograms of a mixture or substance containing marijuana;

(7) More than thirty grams of any material, compound, mixture, or preparation containing any quantity of the following substances having a stimulant effect on the central nervous system: amphetamine, its salts, optical

isomers and salts of its optical isomers; methamphetamine, its salts, optical isomers and salts of its optical isomers; phenmetrazine and its salts; or methylphenidate;

(8) More than thirty grams of any material, compound, mixture, or preparation which contains any quantity of 3,4-methylenedioxymethamphetamine;

(9) One gram or more of flunitrazepam for the first offense;

(10) Any amount of gamma-hydroxybutyric acid for the first offense; [or]

(11) More than [ten] three milligrams of fentanyl [or carfentanil], or any derivative thereof, [or any combination thereof,] or any compound, mixture, or substance containing a detectable amount of fentanyl [or carfentanil], or [their] its optical isomers or analogues; or

(12) Any amount of carfentanil.

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

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

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

(2) Four hundred fifty grams or more 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; or

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

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

(5) Twelve grams or more of phencyclidine; or

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

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

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

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

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

(11) One gram or more of flunitrazepam for a second or subsequent offense; or

(12) Any amount of gamma-hydroxybutyric acid for a second or subsequent offense; or

(13) Twenty Fourteen milligrams or more of fentanyl [or carfentanil], or any derivative thereof, [or any combination thereof,] or any compound, mixture, or substance containing a detectable amount of fentanyl [or carfentanil], or [their] its optical isomers or analogues; or

(14) More than five hundredths of a milligram of carfentanil.

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

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

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

(4) More than thirty grams of a mixture or substance containing a detectable amount of phencyclidine (PCP);

(5) More than four grams of phencyclidine;

(6) More than thirty kilograms of a mixture or substance containing marijuana;

(7) More than thirty grams of any material, compound, mixture, or preparation containing any quantity of the following substances having a stimulant effect on the central nervous system: amphetamine, its salts, optical isomers and salts of its optical isomers; methamphetamine, its salts, optical isomers and salts of its optical isomers; phenmetrazine and its salts; or methylphenidate;

(8) More than thirty grams of any material, compound, mixture, or preparation which contains any quantity of 3,4-methylenedioxymethamphetamine; [or]

(9) More than [ten] three milligrams of fentanyl [or carfentanil], or any derivative thereof, [or any combination thereof,] or any compound, mixture, or substance containing

a detectable amount of fentanyl [or carfentanil], or [their] its optical isomers or analogues; or

(10) Any amount of carfentanil.

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

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

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

(2) Four hundred fifty grams or more 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; or

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

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

(5) Twelve grams or more of phencyclidine; or

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

(7) More than five hundred marijuana plants; or

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

isomers and salts of its optical isomers; phenmetrazine and its salts; or methylphenidate; or

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

(10) ~~Twenty~~ Fourteen milligrams or more of fentanyl ~~[or carfentanil]~~, or any derivative thereof, ~~[or any combination thereof,]~~ or any compound, mixture, or substance containing a detectable amount of fentanyl ~~[or carfentanil]~~, or ~~[their]~~ its optical isomers or analogues; or

(11) More than five hundredths of a milligram of carfentanil.

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

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

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

5. The offense of drug trafficking in the second degree is a class C felony for the first offense and a class B felony for any second or subsequent offense for the trafficking of less than one gram of flunitrazepam.