

1 STATE OF OKLAHOMA

2 1st Session of the 55th Legislature (2015)

3 HOUSE BILL 1574

By: Williams

4  
5  
6 AS INTRODUCED

7 An Act relating to public health and safety; amending  
8 63 O.S. 2011, Section 2-415, as amended by Section 1,  
9 Chapter 348, O.S.L. 2014 (63 O.S. Supp. 2014, Section  
10 2-415), which relates to the Trafficking in Illegal  
11 Drugs Act; modifying certain penalty; and providing  
12 an effective date.

13 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

14 SECTION 1. AMENDATORY 63 O.S. 2011, Section 2-415, as  
15 amended by Section 1, Chapter 348, O.S.L. 2014 (63 O.S. Supp. 2014,  
16 Section 2-415), is amended to read as follows:

17 Section 2-415. A. The provisions of the Trafficking in Illegal  
18 Drugs Act shall apply to persons convicted of violations with  
19 respect to the following substances:

- 20 1. Marihuana;
- 21 2. Cocaine or coca leaves;
- 22 3. Heroin;
- 23 4. Amphetamine or methamphetamine;
- 24 5. Lysergic acid diethylamide (LSD);
6. Phencyclidine (PCP);

1 7. Cocaine base, commonly known as "crack" or "rock";

2 8. 3,4-Methylenedioxy methamphetamine, commonly known as  
3 "ecstasy" or MDMA;

4 9. Morphine;

5 10. Oxycodone;

6 11. Hydrocodone; or

7 12. Benzodiazepine.

8 B. Except as otherwise authorized by the Uniform Controlled  
9 Dangerous Substances Act, it shall be unlawful for any person to:

10 1. Knowingly distribute, manufacture, bring into this state or  
11 possess a controlled substance specified in subsection A of this  
12 section in the quantities specified in subsection C of this section;

13 2. Possess any controlled substance with the intent to  
14 manufacture a controlled substance specified in subsection A of this  
15 section in quantities specified in subsection C of this section; or

16 3. Use or solicit the use of services of a person less than  
17 eighteen (18) years of age to distribute or manufacture a controlled  
18 dangerous substance specified in subsection A of this section in  
19 quantities specified in subsection C of this section.

20 Violation of this section shall be known as "trafficking in  
21 illegal drugs". Separate types of controlled substances described  
22 in subsection A of this section when possessed at the same time in  
23 violation of any provision of this section shall constitute a  
24 separate offense for each substance.

1 Any person who commits the conduct described in paragraph 1, 2  
2 or 3 of this subsection and represents the quantity of the  
3 controlled substance to be an amount described in subsection C of  
4 this section shall be punished under the provisions appropriate for  
5 the amount of controlled substance represented, regardless of the  
6 actual amount.

7 C. In the case of a violation of the provisions of subsection B  
8 of this section, involving:

9 1. Marihuana:

10 a. twenty-five (25) pounds or more of a mixture or  
11 substance containing a detectable amount of marihuana  
12 shall be punishable by a fine of not less than Twenty-  
13 five Thousand Dollars (\$25,000.00) and not more than  
14 One Hundred Thousand Dollars (\$100,000.00), or

15 b. one thousand (1,000) pounds or more of a mixture or  
16 substance containing a detectable amount of marihuana  
17 shall be deemed aggravated trafficking punishable by a  
18 fine of not less than One Hundred Thousand Dollars  
19 (\$100,000.00) and not more than Five Hundred Thousand  
20 Dollars (\$500,000.00);

21 2. Cocaine or coca leaves:

22 a. twenty-eight (28) grams or more of a mixture or  
23 substance containing a detectable amount of cocaine or  
24 coca leaves shall be punishable by a fine of not less

- 1 than Twenty-five Thousand Dollars (\$25,000.00) and not  
2 more than One Hundred Thousand Dollars (\$100,000.00),  
3 b. three hundred (300) grams or more of a mixture or  
4 substance containing a detectable amount of cocaine or  
5 coca leaves shall be punishable by a fine of not less  
6 than One Hundred Thousand Dollars (\$100,000.00) and  
7 not more than Five Hundred Thousand Dollars  
8 (\$500,000.00), or  
9 c. four hundred fifty (450) grams or more of a mixture or  
10 substance containing a detectable amount of cocaine or  
11 coca leaves shall be deemed aggravated trafficking  
12 punishable by a fine of not less than One Hundred  
13 Thousand Dollars (\$100,000.00) and not more than Five  
14 Hundred Thousand Dollars (\$500,000.00);

15 3. Heroin:

- 16 a. ten (10) grams or more of a mixture or substance  
17 containing a detectable amount of heroin shall be  
18 punishable by a fine of not less than Twenty-five  
19 Thousand Dollars (\$25,000.00) and not more than Fifty  
20 Thousand Dollars (\$50,000.00), or  
21 b. twenty-eight (28) grams or more of a mixture or  
22 substance containing a detectable amount of heroin  
23 shall be punishable by a fine of not less than Fifty  
24

1           Thousand Dollars (\$50,000.00) and not more than Five  
2           Hundred Thousand Dollars (\$500,000.00);

3       4. Amphetamine or methamphetamine:

4           a.   twenty (20) grams or more of a mixture or substance  
5               containing a detectable amount of amphetamine or  
6               methamphetamine shall be punishable by a fine of not  
7               less than Twenty-five Thousand Dollars (\$25,000.00)  
8               and not more than Two Hundred Thousand Dollars  
9               (\$200,000.00),

10          b.   two hundred (200) grams or more of a mixture or  
11               substance containing a detectable amount of  
12               amphetamine or methamphetamine shall be punishable by  
13               a fine of not less than Fifty Thousand Dollars  
14               (\$50,000.00) and not more than Five Hundred Thousand  
15               Dollars (\$500,000.00), or

16          c.   four hundred fifty (450) grams or more of a mixture or  
17               substance containing a detectable amount of  
18               amphetamine or methamphetamine shall be deemed  
19               aggravated trafficking punishable by a fine of not  
20               less than Fifty Thousand Dollars (\$50,000.00) and not  
21               more than Five Hundred Thousand Dollars (\$500,000.00);

22       5. Lysergic acid diethylamide (LSD):

23           a.   one (1) gram or more of a mixture or substance  
24               containing a detectable amount of lysergic acid

1 diethylamide (LSD) shall be punishable by a fine of  
2 not less than Fifty Thousand Dollars (\$50,000.00) and  
3 not more than One Hundred Thousand Dollars  
4 (\$100,000.00), or

- 5 b. ten (10) grams or more of a mixture or substance  
6 containing a detectable amount of lysergic acid  
7 diethylamide (LSD) shall be punishable by a fine of  
8 not less than One Hundred Thousand Dollars  
9 (\$100,000.00) and not more than Two Hundred Fifty  
10 Thousand Dollars (\$250,000.00);

11 6. Phencyclidine (PCP):

- 12 a. twenty (20) grams or more of a substance containing a  
13 mixture or substance containing a detectable amount of  
14 phencyclidine (PCP) shall be punishable by a fine of  
15 not less than Twenty Thousand Dollars (\$20,000.00) and  
16 not more than Fifty Thousand Dollars (\$50,000.00), or  
17 b. one hundred fifty (150) grams or more of a substance  
18 containing a mixture or substance containing a  
19 detectable amount of phencyclidine (PCP) shall be  
20 punishable by a fine of not less than Fifty Thousand  
21 Dollars (\$50,000.00) and not more than Two Hundred  
22 Fifty Thousand Dollars (\$250,000.00);

23 7. Cocaine base:  
24

- 1 a. five (5) grams or more of a mixture or substance  
2 described in paragraph 2 of this subsection which  
3 contains cocaine base shall be punishable by a fine of  
4 not less than Twenty-five Thousand Dollars  
5 (\$25,000.00) and not more than One Hundred Thousand  
6 Dollars (\$100,000.00), or  
7 b. fifty (50) grams or more of a mixture or substance  
8 described in paragraph 2 of this subsection which  
9 contains cocaine base shall be punishable by a fine of  
10 not less than One Hundred Thousand Dollars  
11 (\$100,000.00) and not more than Five Hundred Thousand  
12 Dollars (\$500,000.00);

13 8. Methylenedioxy methamphetamine:

- 14 a. thirty (30) tablets or ten (10) grams of a mixture or  
15 substance containing a detectable amount of 3,4-  
16 Methylenedioxy methamphetamine shall be punishable by  
17 a fine of not less than Twenty-five Thousand Dollars  
18 (\$25,000.00) and not more than One Hundred Thousand  
19 Dollars (\$100,000.00), or  
20 b. one hundred (100) tablets or thirty (30) grams of a  
21 mixture or substance containing a detectable amount of  
22 3,4-Methylenedioxy methamphetamine shall be punishable  
23 by a fine of not less than One Hundred Thousand  
24

1 Dollars (\$100,000.00) and not more than Five Hundred  
2 Thousand Dollars (\$500,000.00);

3 9. Morphine: One thousand (1,000) grams or more of a mixture  
4 containing a detectable amount of morphine shall be punishable by a  
5 fine of not less than One Hundred Thousand Dollars (\$100,000.00) and  
6 not more than Five Hundred Thousand Dollars (\$500,000.00);

7 10. Oxycodone: Four hundred (400) grams or more of a mixture  
8 containing a detectable amount of oxycodone shall be punishable by a  
9 fine of not less than One Hundred Thousand Dollars (\$100,000.00) and  
10 not more than Five Hundred Thousand Dollars (\$500,000.00);

11 11. Hydrocodone: Three thousand seven hundred and fifty  
12 (3,750) grams or more of a mixture containing a detectable amount of  
13 hydrocodone shall be punishable by a fine of not less than One  
14 Hundred Thousand Dollars (\$100,000.00) and not more than Five  
15 Hundred Thousand Dollars (\$500,000.00); and

16 12. Benzodiazepine: Five hundred (500) grams or more of a  
17 mixture containing a detectable amount of benzodiazepine shall be  
18 punishable by a fine of not less than One Hundred Thousand Dollars  
19 (\$100,000.00) and not more than Five Hundred Thousand Dollars  
20 (\$500,000.00).

21 D. Any person who violates the provisions of this section with  
22 respect to a controlled substance specified in subsection A of this  
23 section in a quantity specified in subsection C of this section  
24



1 shall, in addition to any fines specified by this section, be  
2 punishable by a term of imprisonment as follows:

3 1. Not less than twice the term of imprisonment provided for in  
4 Section 2-401 of this title;

5 2. If the person has previously been convicted of one violation  
6 of this section or has been previously convicted of a felony  
7 violation of the Uniform Controlled Dangerous Substances Act arising  
8 from separate and distinct transactions, not less than three times  
9 the term of imprisonment provided for in Section 2-401 of this  
10 title;

11 3. If the person has previously been convicted of two or more  
12 violations of this section or any provision of the Uniform  
13 Controlled Dangerous Substances Act which constitutes a felony, or a  
14 combination of such violations arising out of separate and distinct  
15 transactions, not less than twenty (20) years to life imprisonment  
16 or life without parole; and

17 4. If the person is convicted of aggravated trafficking as  
18 provided in subparagraph b of paragraph 1 of subsection C of this  
19 section, subparagraph c of paragraph 2 of subsection C of this  
20 section or subparagraph c of paragraph 4 of subsection C of this  
21 section, a mandatory minimum sentence of imprisonment in the custody  
22 of the Department of Corrections for a term of fifteen (15) years of  
23 which the person shall serve eighty-five percent (85%) of such  
24

1 mandatory sentence before being eligible for parole consideration or  
2 any earned credits.

3       The terms of imprisonment specified in this subsection shall not  
4 be subject to statutory provisions for suspension, deferral or  
5 probation, or state correctional institution earned credits accruing  
6 from and after November 1, 1989, except for the achievement earned  
7 credits authorized by subsection H of Section 138 of Title 57 of the  
8 Oklahoma Statutes. To qualify for such achievement credits, such  
9 inmates must also be in compliance with the standards for Class  
10 level 2 behavior, as defined in subsection D of Section 138 of Title  
11 57 of the Oklahoma Statutes.

12       Persons convicted of violations of this section shall not be  
13 eligible for appeal bonds.

14       E. Any person convicted of any offense described in this  
15 section shall, in addition to any fine imposed, pay a special  
16 assessment trauma-care fee of One Hundred Dollars (\$100.00) to be  
17 deposited into the Trauma Care Assistance Revolving Fund created in  
18 Section 1-2530.9 of this title and the assessment pursuant to  
19 Section 2-503.2 of this title.

20       SECTION 2. This act shall become effective November 1, 2015.

21

22       55-1-6249           GRS       12/17/14

23

24