

1 **SENATE FLOOR VERSION**

2 April 8, 2015

3 **AS AMENDED**

4 ENGROSSED HOUSE

5 BILL NO. 1574

6 By: Williams of the House

7 and

8 Griffin of the Senate

9 **[public health and safety - Trafficking in Illegal**
10 **Drugs Act - effective date]**

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

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

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

- 18 1. Marihuana;
- 19 2. Cocaine or coca leaves;
- 20 3. Heroin;
- 21 4. Amphetamine or methamphetamine;
- 22 5. Lysergic acid diethylamide (LSD);
- 23 6. Phencyclidine (PCP);
- 24 7. Cocaine base, commonly known as "crack" or "rock";

1 8. 3,4-Methylenedioxy methamphetamine, commonly known as
2 "ecstasy" or MDMA;

3 9. Morphine;

4 10. Oxycodone;

5 11. Hydrocodone; or

6 12. Benzodiazepine.

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

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

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

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

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

24

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:
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- 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
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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
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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; **provided, if the person has been previously**
17 **convicted of two or more drug trafficking violations, the punishment**
18 **shall be life without parole;** and

19 4. If the person is convicted of aggravated trafficking as
20 provided in subparagraph b of paragraph 1 of subsection C of this
21 section, subparagraph c of paragraph 2 of subsection C of this
22 section or subparagraph c of paragraph 4 of subsection C of this
23 section, a mandatory minimum sentence of imprisonment in the custody
24 of the Department of Corrections for a term of fifteen (15) years of

1 which the person shall serve eighty-five percent (85%) of such
2 mandatory sentence before being eligible for parole consideration or
3 any earned credits.

4 The terms of imprisonment specified in this subsection shall not
5 be subject to statutory provisions for suspension, deferral or
6 probation, or state correctional institution earned credits accruing
7 from and after November 1, 1989, except for the achievement earned
8 credits authorized by subsection H of Section 138 of Title 57 of the
9 Oklahoma Statutes. To qualify for such achievement credits, such
10 inmates must also be in compliance with the standards for Class
11 level 2 behavior, as defined in subsection D of Section 138 of Title
12 57 of the Oklahoma Statutes.

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

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

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

22 COMMITTEE REPORT BY: COMMITTEE ON APPROPRIATIONS
23 April 8, 2015 - DO PASS AS AMENDED
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