

SHORT TITLE: Controlled dangerous substance; enhancing punishment for possession and purchase of controlled dangerous substance in presence of minor children; emergency.

STATE OF OKLAHOMA

1st Session of the 44th Legislature (1993)

SENATE BILL NO. 56

By: Dickerson

AS INTRODUCED

An Act relating to controlled dangerous substances;  
amending 63 O.S. 1991, Section 2-402, as amended by  
Section 2, Chapter 86, O.S.L. 1992 (63 O.S. Supp.  
1992, Section 2-402), which relates to possession  
and purchase of controlled dangerous substances;  
enhancing punishment for possession and purchase of  
controlled dangerous substance in presence of  
children; and declaring an emergency.

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

SECTION 1. AMENDATORY 63 O.S. 1991, Section 2-402, as  
amended by Section 2, Chapter 86, O.S.L. 1992 (63 O.S. Supp. 1992,  
Section 2-402), is amended to read as follows:

Section 2-402. A. 1. It ~~is~~ shall be unlawful for any person  
knowingly or intentionally to possess a controlled dangerous  
substance unless such substance was obtained directly, or pursuant  
to a valid prescription or order from a practitioner, while acting  
in the course of his professional practice, or except as otherwise  
authorized by this act.

2. It shall be unlawful for any person to purchase any  
preparation excepted from the provisions of the Uniform Controlled  
Dangerous Substances Act pursuant to Section 2-313 of this title in  
an amount or within a time interval other than that permitted by  
Section 2-313 of this title.

B. Any person who violates this section with respect to:

1. Any Schedule I or II substance, except marihuana or a substance included in subsection D of Section 2-206, is guilty of a felony punishable by imprisonment for not less than two (2) years nor more than ten (10) years. A second or subsequent violation of this section with respect to Schedule I or II substance, except marihuana or a substance included in subsection D of Section 2-206, is a felony punishable by imprisonment for not less than four (4) years nor more than twenty (20) years.

2. Any Schedule III, IV or V substance, marihuana, a substance included in subsection D of Section 2-206, or any preparation excepted from the provisions of the Uniform Controlled Dangerous Substances Act is guilty of a misdemeanor punishable by confinement for not more than one (1) year. A second or subsequent violation of this section with respect to any Schedule III, IV or V substance, marihuana, a substance included in subsection D of Section 2-206, or any preparation excepted from the provisions of the Uniform Controlled Dangerous Substances Act is a felony punishable by imprisonment for not less than two (2) nor more than ten (10) years.

C. Any person who violates any provision of this section by possessing or purchasing a controlled dangerous substance from any person, in or on, or within one thousand (1,000) feet of the real property comprising a public or private elementary or secondary school, public vocational school, public or private college or university, or other institution of higher education, recreation center or public park, including state parks and recreation areas, or in the presence of any child under eighteen (18) years of age shall be punished by:

1. For a first offense, a term of imprisonment, or by the imposition of a fine or by both, not exceeding twice that authorized by the appropriate provision of this section and shall serve a minimum of fifty percent (50%) of the sentence received prior to

becoming eligible for state correctional institution earned credits toward the completion of said sentence; or

2. For a second or subsequent offense, a term of imprisonment not exceeding three times that authorized by the appropriate provision of this section and shall serve a minimum of ninety percent (90%) of the sentence received prior to becoming eligible for state correctional institution earned credits toward the completion of said sentence.

SECTION 2. It being immediately necessary for the preservation of the public peace, health and safety, an emergency is hereby declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval.

44-1-0251

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