

STATE OF OKLAHOMA

2nd Session of the 50th Legislature (2006)

COMMITTEE SUBSTITUTE
FOR ENGROSSED
SENATE BILL NO. 1713

By: Wyrick, Corn and Leftwich
of the Senate

and

Nance of the House

COMMITTEE SUBSTITUTE

[controlled substances - Methamphetamine Offender
Registry Act - Trafficking in Illegal Drugs Act -
import - codification - noncodification - effective
dates -
emergency]

SECTION 1. NEW LAW A new section of law not to be
codified in the Oklahoma Statutes reads as follows:

Sections 1 and 2 of this act shall be known and may be cited as
the "Methamphetamine Offender Registry Act".

SECTION 2. NEW LAW A new section of law to be codified
in the Oklahoma Statutes as Section 579 of Title 57, unless there is
created a duplication in numbering, reads as follows:

A. Upon the effective date of this act, the Department of
Corrections shall establish a registry of those persons convicted of
a violation of paragraph 1 of subsection A and paragraph 1 of
subsection G of Section 2-401 of Title 63 of the Oklahoma Statutes
involving any substance as provided for in subsection C of Section
2-206 of Title 63 of the Oklahoma Statutes.

B. The registry shall be maintained by the Department of Corrections and made available for public inquiry on an Internet web site.

C. The registry shall consist of the following:

1. The name of the convicted person;
2. The date of birth of the convicted person;
3. The offense or offenses for which the person is eligible for inclusion on the registry;
4. The conviction date;
5. The county in which the person was convicted; and
6. Any other identifying data that the Department of Corrections determines is necessary to properly identify the person, but shall not include the social security number of the person.

D. Effective January 1, 2007, all court clerks shall forward a copy of the judgment and sentence and date of birth of all persons who are convicted of a violation of the offenses as provided in subsection A of this section to the Department of Corrections. The information shall be forwarded to the Department of Corrections within forty-five (45) days of the pronouncement of the judgment and sentence.

E. The Department of Corrections shall remove from the registry the name and other identifying information of persons included on the registry seven (7) years after the date of the most recent judgment and sentence.

F. The Department of Corrections, in conjunction with the Department of Mental Health and Substance Abuse Services and Oklahoma Bureau of Narcotics and Dangerous Drugs, shall develop, promote, and coordinate a public awareness program for the purpose of educating the public about the dangers of methamphetamine manufacture and abuse. The program shall include the distribution of public information materials including, but not limited to, web-

based information accessible to the public through the methamphetamine offender registry web site.

G. The Department of Corrections may promulgate rules and establish procedures as are necessary to implement and maintain the registry and public awareness program.

SECTION 3. AMENDATORY 63 O.S. 2001, Section 2-414, is amended to read as follows:

Section 2-414. ~~This act~~ Sections 2-414, 2-415, 2-416, 2-417, 2-419.1 and 2-420 of this title and Section 5 of this act shall be known and may be cited as the "Trafficking in Illegal Drugs Act".

SECTION 4. AMENDATORY 63 O.S. 2001, Section 2-419.1, is amended to read as follows:

Section 2-419.1 A. It shall be unlawful for any individual eighteen (18) years of age or older to solicit, employ, hire, or use an individual under eighteen (18) years of age to unlawfully import or transport, ~~carry, sell, give away,~~ prepare for sale, import or transport; or ~~peddle~~ facilitate the import or transport of any controlled dangerous substance in quantities specified in subsection C of Section 2-415 of this title or Section 5 of this act.

B. A person who violates subsection A of this section shall be guilty of a felony and, upon conviction, shall be punishable by a term of imprisonment, or fine, or both, not exceeding twice that authorized by ~~Section 2-401 of Title 63 of the Oklahoma Statutes~~ 5 of this act.

C. A person who violates subsection A of this section after a previous conviction pursuant to that subsection which has become final, shall be punishable by a term of imprisonment not exceeding three times that authorized by ~~Section 2-401 of Title 63 of the Oklahoma Statutes~~ 5 of this act.

D. ~~A person who violates subsection A of this section by employing, hiring, or using an individual under fifteen (15) years of age, may be imprisoned for not more than twenty-five (25) years,~~

~~fined not more than One Hundred Thousand Dollars (\$100,000.00), or both, in addition to any other punishment authorized by this section.~~

~~E.~~ It shall not be a defense to this section that a person did not know the age of an individual.

E. For purposes of this section, the term "import" means to bring, carry, ship, haul or transfer, or cause, plan or facilitate the bringing, carrying, shipping, hauling or transfer of any controlled dangerous substance into the State of Oklahoma from any location outside the boundaries of this state or from one location to another within the boundaries of this state.

SECTION 5. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 2-419.2 of Title 63, unless there is created a duplication in numbering, reads as follows:

It is unlawful for any person to knowingly import methamphetamine with intent to illegally distribute such substance or knowingly cause, facilitate, encourage, aid, abet or participate in the import of methamphetamine intended for illegal distribution in any place. Any person convicted of any violation of this section shall be punished by imprisonment in the custody of the Department of Corrections for a term of not less than ten (10) years nor more than life, and by a fine in an amount not exceeding One Hundred Thousand Dollars (\$100,000.00), or by both such fine and imprisonment.

For purposes of this section, "import" means to bring, carry, ship, haul or transfer, or cause, plan or facilitate the bringing, carrying, shipping, hauling or transfer of one (1) pound or more of a mixture containing any detectable quantity of methamphetamine into the State of Oklahoma from any location outside the boundaries of this state or from one location to another within the boundaries of this state.

SECTION 6. Sections 3 through 5 of this act shall become effective July 1, 2006.

SECTION 7. Sections 1 and 2 of this act shall become effective November 1, 2006.

SECTION 8. 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.

50-2-10052 GRS 04/13/06