ENGROSSED SENATE
BILL NO. 1713

By: Wyrick, Corn and Leftwich of the Senate

and

Nance of the House

[controlled substances - Trafficking in Illegal Drugs Act - import - penalty - codification - effective date - emergency]

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

SECTION 1. 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 3 of this act shall be known and may be cited as the "Trafficking in Illegal Drugs Act".

SECTION 2. 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 3 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~~ 3 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~~ 3 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 3. 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 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 4. This act shall become effective July 1, 2006.

SECTION 5. 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.

Passed the Senate the 6th day of March, 2006.

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Presiding Officer of the Senate

Passed the House of Representatives the ____ day of _____, 2006.

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Presiding Officer of the House
of Representatives