

BILL SUMMARY
2nd Session of the 52nd Legislature

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| Bill No.: | HB3380 |
| Version: | CCS |
| Author: | Representative Terrill Senator Sykes |
| Date: | 5/18/2010 |
| Impact: | Potential Reduction in Prison Costs |

Bill Summary

Research Analyst: Brad Wolgamott

The measure creates the Methamphetamine Offender Registry Act. The bill allows the Oklahoma Bureau of Narcotics and Dangerous Drugs Control to create a registry of persons who have been convicted of possession of methamphetamine or any of the precursors with intent to manufacture methamphetamine. Any person subject to registration is prohibited from purchasing, possessing or having control of any Schedule V compound or preparation containing any detectable quantity of pseudoephedrine. Violation is a felony subject to not less than 2 nor more than 10 years imprisonment and a fine of not more than \$5,000.

Registry is to be made available to registrants who sell pseudoephedrine-related products, the courts and law enforcement agencies. Requires all district court clerks to forward a copy of the judgment and sentence and date of birth of all persons convicted of possession of methamphetamine or any of the precursors with intent to manufacture methamphetamine. Persons subject to registration are to remain on the registry for 10 years.

Creates a new felony crime to assist a person subject to the registry in obtaining pseudoephedrine products. First offense is a misdemeanor punishable by incarceration in the county jail for not more than one year and a fine of up to \$1,000. Any second or subsequent conviction is a felony punishable by incarceration for two years in prison and a fine of \$2,500.

Allows the OBNDD to conduct background checks on companies or persons who provide janitorial services to the OBNDD.

Allows a passport or military identification to be used as identification to purchase pseudoephedrine. Allows a person in a nursing home or under hospice care who does not have state issued identification to use their Social Security number to obtain prescriptions.

Fiscal Summary

Fiscal Analyst: Marilyn Anderson

The conference committee substitute for HB3380 creates within the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control (OBNDD) a registry of persons who have been convicted of possession of methamphetamines, possession of a precursor with the intent to manufacture methamphetamines, distribution or possession with intent to distribute methamphetamines or trafficking of methamphetamines. Persons subject to the registry shall be

prohibited from purchasing, possessing or having control of any Schedule V compound containing any detectable quantity of pseudoephedrine.

Fiscal Analysis

The penalty for persons subject to the registry who are convicted of purchasing, possessing or having control of any Schedule V compound containing any detectable quantity of pseudoephedrine is 2-10 years incarceration and/or a fine up to \$5,000. Persons convicted of assisting a person on the registry with the purchase of any pseudoephedrine product will be charged with a misdemeanor for a first offense. A second or subsequent conviction is a felony, punishable by two years imprisonment and/or a fine of \$2,500.

According to the Department of Corrections (DOC), an average of 1,533 persons per year are incarcerated for crimes related to methamphetamine manufacture, distribution, possession, or trafficking. Distribution, manufacturing, and trafficking carry a penalty of 7 years to life. Aggravated trafficking carries a penalty of 7 to life and offenders must serve 85 percent of their sentence. The average annual cost to DOC for incarcerating an offender is approximately \$21,000. Offenders convicted of methamphetamine crimes may have an even greater cost due to the need for additional medical and dental services.

According to OBNDD, persons who manufacture methamphetamine pay others to purchase pseudoephedrine products for them to avoid the purchasing limits. By making it a crime to assist a person on the registry and posting warning signs to that effect at pharmacy counters you will limit the ability of manufacturers to acquire the pseudoephedrine needed to produce methamphetamine. Persons subject to the registry who are convicted of purchasing, possessing or having control of pseudoephedrine will be subject to 2-10 years incarceration as opposed to 7 years to life if they were able to acquire pseudoephedrine and convicted of manufacturing methamphetamine. This will potentially produce a savings in prison costs.

Long Term Fiscal Considerations

The OBNDD believes that the registry, by limiting the ability of certain persons to purchase pseudoephedrine, will reduce the number of methamphetamine labs in Oklahoma, increase public safety, reduce cleanup costs for property owners and local law enforcement, and reduce prison costs.

Fiscal Analysis Reviewed By:

Janice Buchanan

House Fiscal Director