

STATE OF OKLAHOMA

1st Session of the 53rd Legislature (2011)

SENATE BILL 326

By: Lerblance

AS INTRODUCED

An Act relating to crimes and punishments; amending 21 O.S. 2001, Section 12.1, which relates to required minimum sentences; modifying mandatory sentence percentage; amending 21 O.S. 2001, Section 13.1, as last amended by Section 117, Chapter 234, O.S.L. 2009 (21 O.S. Supp. 2010, Section 13.1), which relates to required minimum sentence crimes; modifying mandatory sentence percentage; amending 63 O.S. 2001, Sections 2-401, as last amended by Section 4, Chapter 283, O.S.L. 2005 and 2-415, as last amended by Section 5, Chapter 199, O.S.L. 2007 (63 O.S. Supp. 2010, Sections 2-401 and 2-415), which relate to drug offense penalties; modifying mandatory sentence percentage; and providing an effective date.

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

SECTION 1. AMENDATORY 21 O.S. 2001, Section 12.1, is amended to read as follows:

Section 12.1. A person committing a felony offense listed in Section ~~30 of this act~~ 13.1 of this title on or after ~~March 1, 2000~~ the effective date of this act, and convicted of the offense shall serve not less than ~~eighty five percent (85%)~~ sixty-five percent

1 (65%) of the sentence of imprisonment imposed within the Department
2 of Corrections. Such person shall not be eligible for parole
3 consideration prior to serving ~~eighty-five percent (85%)~~ sixty-five
4 percent (65%) of the sentence imposed and such person shall not be
5 eligible for earned credits or any other type of credits which have
6 the effect of reducing the length of the sentence to less than
7 ~~eighty-five percent (85%)~~ sixty-five percent (65%) of the sentence
8 imposed.

9 SECTION 2. AMENDATORY 21 O.S. 2001, Section 13.1, as
10 last amended by Section 117, Chapter 234, O.S.L. 2009 (21 O.S. Supp.
11 2010, Section 13.1), is amended to read as follows:

12 Section 13.1 ~~Persons~~ For convictions occurring on or after the
13 effective date of this act, persons convicted of:

14 1. First degree murder as defined in Section 701.7 of this
15 title;

16 2. Second degree murder as defined by Section 701.8 of this
17 title;

18 3. Manslaughter in the first degree as defined by Section 711
19 of this title;

20 4. Poisoning with intent to kill as defined by Section 651 of
21 this title;

22 5. Shooting with intent to kill, use of a vehicle to facilitate
23 use of a firearm, crossbow or other weapon, assault, battery, or
24 assault and battery with a deadly weapon or by other means likely to

1 produce death or great bodily harm, as provided for in Section 652
2 of this title;

3 6. Assault with intent to kill as provided for in Section 653
4 of this title;

5 7. Conjoint robbery as defined by Section 800 of this title;

6 8. Robbery with a dangerous weapon as defined in Section 801 of
7 this title;

8 9. First degree robbery as defined in Section 797 of this
9 title;

10 10. First degree rape as provided for in Section 1115 of this
11 title;

12 11. First degree arson as defined in Section 1401 of this
13 title;

14 12. First degree burglary as provided for in Section 1436 of
15 this title;

16 13. Bombing as defined in Section 1767.1 of this title;

17 14. Any crime against a child provided for in Section 843.5 of
18 this title;

19 15. Forcible sodomy as defined in Section 888 of this title;

20 16. Child pornography as defined in Section 1021.2, 1021.3 or
21 1024.1 of this title;

22 17. Child prostitution as defined in Section 1030 of this
23 title;

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1 18. Lewd molestation of a child as defined in Section 1123 of
2 this title;

3 19. Abuse of a vulnerable adult as defined in Section 10-103 of
4 Title 43A of the Oklahoma Statutes who is a resident of a nursing
5 facility; or

6 20. Aggravated trafficking as provided for in subsection C of
7 Section 2-415 of Title 63 of the Oklahoma Statutes,
8 shall be required to serve not less than ~~eighty-five percent (85%)~~
9 sixty-five percent (65%) of any sentence of imprisonment imposed by
10 the judicial system prior to becoming eligible for consideration for
11 parole. Persons convicted of these offenses shall not be eligible
12 for earned credits or any other type of credits which have the
13 effect of reducing the length of the sentence to less than ~~eighty-~~
14 ~~five percent (85%)~~ sixty-five percent (65%) of the sentence imposed.

15 SECTION 3. AMENDATORY 63 O.S. 2001, Section 2-401, as
16 last amended by Section 4, Chapter 283, O.S.L. 2005 (63 O.S. Supp.
17 2010, Section 2-401), is amended to read as follows:

18 Section 2-401. A. Except as authorized by the Uniform
19 Controlled Dangerous Substances Act it shall be unlawful for any
20 person:

21 1. To distribute, dispense, transport with intent to distribute
22 or dispense, possess with intent to manufacture, distribute, or
23 dispense, a controlled dangerous substance or to solicit the use of
24 or use the services of a person less than eighteen (18) years of age

1 to cultivate, distribute or dispense a controlled dangerous
2 substance;

3 2. To create, distribute, transport with intent to distribute
4 or dispense, or possess with intent to distribute, a counterfeit
5 controlled dangerous substance; or

6 3. To distribute any imitation controlled substance as defined
7 by Section 2-101 of this title, except when authorized by the Food
8 and Drug Administration of the United States Department of Health
9 and Human Services.

10 B. Any person who violates the provisions of this section with
11 respect to:

12 1. A substance classified in Schedule I or II which is a
13 narcotic drug, lysergic acid diethylamide (LSD), gamma
14 butyrolactone, gamma hydroxyvalerate, gamma valerolactone, 1,4
15 butanediol, or gamma-hydroxybutyric acid as defined in Sections 2-
16 204 and 2-208 of this title, upon conviction, shall be guilty of a
17 felony and shall be sentenced to a term of imprisonment for not less
18 than five (5) years nor more than life and a fine of not more than
19 One Hundred Thousand Dollars (\$100,000.00), which shall be in
20 addition to other punishment provided by law and shall not be
21 imposed in lieu of other punishment. Any sentence to the custody of
22 the Department of Corrections shall not be subject to statutory
23 provisions for suspended sentences, deferred sentences, or probation
24 except when the conviction is for a first offense;

1 2. Any other controlled dangerous substance classified in
2 Schedule I, II, III, or IV, upon conviction, shall be guilty of a
3 felony and shall be sentenced to a term of imprisonment for not less
4 than two (2) years nor more than life and a fine of not more than
5 Twenty Thousand Dollars (\$20,000.00), which shall be in addition to
6 other punishment provided by law and shall not be imposed in lieu of
7 other punishment. Any sentence to the custody of the Department of
8 Corrections shall not be subject to statutory provisions for
9 suspended sentences, deferred sentences, or probation except when
10 the conviction is for a first offense;

11 3. A substance classified in Schedule V, upon conviction, shall
12 be guilty of a felony and shall be sentenced to a term of
13 imprisonment for not more than five (5) years and a fine of not more
14 than One Thousand Dollars (\$1,000.00), which shall be in addition to
15 other punishment provided by law and shall not be imposed in lieu of
16 other punishment; or

17 4. An imitation controlled substance as defined by Section 2-
18 101 of this title, upon conviction, shall be guilty of a misdemeanor
19 and shall be sentenced to a term of imprisonment in the county jail
20 for a period of not more than one (1) year and a fine of not more
21 than One Thousand Dollars (\$1,000.00). A person convicted of a
22 second violation of the provisions of this paragraph shall be guilty
23 of a felony and shall be sentenced to a term of imprisonment for not
24 more than five (5) years and a fine of not more than Five Thousand

1 Dollars (\$5,000.00), which shall be in addition to other punishment
2 provided by law and shall not be imposed in lieu of other
3 punishment.

4 C. 1. Except when authorized by the Food and Drug
5 Administration of the United States Department of Health and Human
6 Services, it shall be unlawful for any person to manufacture,
7 cultivate, distribute, or possess with intent to distribute a
8 synthetic controlled substance.

9 2. Any person convicted of violating the provisions of this
10 paragraph is guilty of a felony and shall be punished by
11 imprisonment in the State Penitentiary for a term not to exceed life
12 and a fine of not more than Twenty-five Thousand Dollars
13 (\$25,000.00), which shall be in addition to other punishment
14 provided by law and shall not be imposed in lieu of other
15 punishment.

16 3. A second or subsequent conviction for the violation of the
17 provisions of this paragraph is a felony punishable as a habitual
18 offender pursuant to Section 51.1 of Title 21 of the Oklahoma
19 Statutes.

20 4. In addition the violator shall be fined an amount not more
21 than One Hundred Thousand Dollars (\$100,000.00), which shall be in
22 addition to other punishment provided by law and shall not be
23 imposed in lieu of other punishment.

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1 D. 1. Any person convicted of a second or subsequent felony
2 violation of the provisions of this section, except for paragraph 4
3 of subsection B of this section, shall be punished as a habitual
4 offender pursuant to Section 51.1 of Title 21 of the Oklahoma
5 Statutes.

6 2. In addition the violator shall be fined twice the fine
7 otherwise authorized, which shall be in addition to other punishment
8 provided by law and shall not be imposed in lieu of other
9 punishment.

10 3. Convictions for second or subsequent violations of the
11 provisions of this section shall not be subject to statutory
12 provisions for suspended sentences, deferred sentences, or
13 probation.

14 E. Any person who is at least eighteen (18) years of age and
15 who violates the provisions of this section by using or soliciting
16 the use of services of a person less than eighteen (18) years of age
17 to distribute, dispense, transport with intent to distribute or
18 dispense or cultivate a controlled dangerous substance or by
19 distributing a controlled dangerous substance to a person under
20 eighteen (18) years of age is punishable by twice the fine and by
21 twice the imprisonment otherwise authorized.

22 F. Any person who violates any provision of this section by
23 transporting with intent to distribute or dispense, distributing or
24 possessing with intent to distribute a controlled dangerous

1 substance to a person, or violation of subsection G of this section,
2 in or on, or within two thousand (2,000) feet of the real property
3 comprising a public or private elementary or secondary school,
4 public vocational school, public or private college or university,
5 or other institution of higher education, recreation center or
6 public park, including state parks and recreation areas, public
7 housing project, or child care facility as defined by Section 402 of
8 Title 10 of the Oklahoma Statutes shall be punished by:

9 1. For a first offense, a term of imprisonment, or by the
10 imposition of a fine or by both, not exceeding twice that authorized
11 by the appropriate provision of this section and shall serve a
12 minimum of fifty percent (50%) of the sentence received prior to
13 becoming eligible for state correctional institution earned credits
14 toward the completion of said sentence; or

15 2. For a second or subsequent offense, a term of imprisonment
16 as provided for a habitual offender pursuant to Section 51.1 of
17 Title 21 of the Oklahoma Statutes. In addition, for sentences
18 received on or after the effective date of this act, the violator
19 shall serve ~~eighty-five percent (85%)~~ sixty-five percent (65%) of
20 the sentence received prior to becoming eligible for state
21 correctional institution earned credits toward the completion of
22 said sentence or eligibility for parole.

23 G. 1. Except as authorized by the Uniform Controlled Dangerous
24 Substances Act, it shall be unlawful for any person to manufacture

1 or attempt to manufacture any controlled dangerous substance or
2 possess any substance listed in Section 2-322 of this title or any
3 substance containing any detectable amount of pseudoephedrine or its
4 salts, optical isomers or salts of optical isomers, iodine or its
5 salts, optical isomers or salts of optical isomers, hydriodic acid,
6 sodium metal, lithium metal, anhydrous ammonia, phosphorus, or
7 organic solvents with the intent to use that substance to
8 manufacture a controlled dangerous substance.

9 2. Any person violating the provisions of this subsection with
10 respect to the unlawful manufacturing or attempting to unlawfully
11 manufacture any controlled dangerous substance, or possessing any
12 substance listed in this subsection or Section 2-322 of this title,
13 upon conviction, is guilty of a felony and shall be punished by
14 imprisonment in the State Penitentiary for not less than seven (7)
15 years nor more than life and by a fine of not less than Fifty
16 Thousand Dollars (\$50,000.00), which shall be in addition to other
17 punishment provided by law and shall not be imposed in lieu of other
18 punishment. The possession of any amount of anhydrous ammonia in an
19 unauthorized container shall be prima facie evidence of intent to
20 use such substance to manufacture a controlled dangerous substance.

21 3. Any person violating the provisions of this subsection with
22 respect to the unlawful manufacturing or attempting to unlawfully
23 manufacture any controlled dangerous substance in the following
24 amounts:

- 1 a. one (1) kilogram or more of a mixture or substance
2 containing a detectable amount of heroin,
- 3 b. five (5) kilograms or more of a mixture or substance
4 containing a detectable amount of:
- 5 (1) coca leaves, except coca leaves and extracts of
6 coca leaves from which cocaine, ecgonine, and
7 derivatives of ecgonine or their salts have been
8 removed,
- 9 (2) cocaine, its salts, optical and geometric
10 isomers, and salts of isomers,
- 11 (3) ecgonine, its derivatives, their salts, isomers,
12 and salts of isomers, or
- 13 (4) any compound, mixture, or preparation which
14 contains any quantity of any of the substances
15 referred to in divisions (1) through (3) of this
16 subparagraph,
- 17 c. fifty (50) grams or more of a mixture or substance
18 described in division (2) of subparagraph b of this
19 paragraph which contains cocaine base,
- 20 d. one hundred (100) grams or more of phencyclidine (PCP)
21 or 1 kilogram or more of a mixture or substance
22 containing a detectable amount of phencyclidine (PCP),
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- 1 e. ten (10) grams or more of a mixture or substance
2 containing a detectable amount of lysergic acid
3 diethylamide (LSD),
- 4 f. four hundred (400) grams or more of a mixture or
5 substance containing a detectable amount of N-phenyl-
6 N-[1-(2-phenylethyl)-4-piperidinyl] propanamide or 100
7 grams or more of a mixture or substance containing a
8 detectable amount of any analogue of N-phenyl-N-[1-(2-
9 phenylethyl)-4-piperidinyl] propanamide,
- 10 g. one thousand (1,000) kilograms or more of a mixture or
11 substance containing a detectable amount of marihuana
12 or one thousand (1000) or more marihuana plants
13 regardless of weight, or
- 14 h. fifty (50) grams or more of methamphetamine, its
15 salts, isomers, and salts of its isomers or 500 grams
16 or more of a mixture or substance containing a
17 detectable amount of methamphetamine, its salts,
18 isomers, or salts of its isomers,

19 upon conviction, is guilty of aggravated manufacturing a controlled
20 dangerous substance punishable by imprisonment in the State
21 Penitentiary for not less than twenty (20) years nor more than life
22 and by a fine of not less than Fifty Thousand Dollars (\$50,000.00),
23 which shall be in addition to other punishment provided by law and
24 shall not be imposed in lieu of other punishment. ~~Any~~ For

1 convictions received on or after the effective date of this act, any
2 person convicted of a violation of the provisions of this paragraph
3 shall be required to serve a minimum of ~~eighty-five percent (85%)~~
4 sixty-five percent (65%) of the sentence received prior to becoming
5 eligible for state correctional earned credits towards the
6 completion of the sentence or eligible for parole.

7 4. Any sentence to the custody of the Department of Corrections
8 for any violation of paragraph 3 of this subsection shall not be
9 subject to statutory provisions for suspended sentences, deferred
10 sentences, or probation. A For convictions received on or after the
11 effective date of this act, a person convicted of a second or
12 subsequent violation of the provisions of paragraph 3 of this
13 subsection shall be punished as a habitual offender pursuant to
14 Section 51.1 of Title 21 of the Oklahoma Statutes and shall be
15 required to serve a minimum of ~~eighty-five percent (85%)~~ sixty-five
16 percent (65%) of the sentence received prior to becoming eligible
17 for state correctional earned credits or eligibility for parole.

18 H. Any person convicted of any offense described in the Uniform
19 Controlled Dangerous Substances Act may, in addition to the fine
20 imposed, be assessed an amount not to exceed ten percent (10%) of
21 the fine imposed. Such assessment shall be paid into a revolving
22 fund for enforcement of controlled dangerous substances created
23 pursuant to Section 2-506 of this title.

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1 I. Any person convicted of any offense described in this
2 section shall, in addition to any fine imposed, pay a special
3 assessment trauma-care fee of One Hundred Dollars (\$100.00) to be
4 deposited into the Trauma Care Assistance Revolving Fund created in
5 Section 1-2522 of this title.

6 J. For purposes of this section, "public housing project" means
7 any dwelling or accommodations operated as a state or federally
8 subsidized multifamily housing project by any housing authority,
9 nonprofit corporation or municipal developer or housing projects
10 created pursuant to the Oklahoma Housing Authorities Act.

11 K. When a person is found guilty of a violation of the
12 provisions of this section, the court shall order, in addition to
13 any other penalty, the defendant to pay a one-hundred-dollar
14 assessment to be deposited in the Drug Abuse Education and Treatment
15 Revolving Fund created in Section 2-503.2 of this title, upon
16 collection.

17 SECTION 4. AMENDATORY 63 O.S. 2001, Section 2-415, as
18 last amended by Section 5, Chapter 199, O.S.L. 2007 (63 O.S. Supp.
19 2010, Section 2-415), is amended to read as follows:

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

- 23 1. Marihuana;
- 24 2. Cocaine or coca leaves;

- 1 3. Heroin;
- 2 4. Amphetamine or methamphetamine;
- 3 5. Lysergic acid diethylamide (LSD);
- 4 6. Phencyclidine (PCP);
- 5 7. Cocaine base, commonly known as "crack" or "rock"; or
- 6 8. 3,4-Methylenedioxy methamphetamine, commonly known as
- 7 "ecstasy" or MDMA.

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

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

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

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

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

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 such violation shall be punishable by a fine of not
13 less than Twenty-five Thousand Dollars (\$25,000.00)
14 and not more than One Hundred Thousand Dollars
15 (\$100,000.00), or

16 b. one thousand (1,000) pounds or more of a mixture or
17 substance containing a detectable amount of marihuana,
18 such violation shall be deemed aggravated trafficking
19 punishable by a fine of not less than One Hundred
20 Thousand Dollars (\$100,000.00) and not more than Five
21 Hundred Thousand Dollars (\$500,000.00);

22 2. Cocaine or coca leaves:

23 a. twenty-eight (28) grams or more of a mixture or
24 substance containing a detectable amount of cocaine or

1 coca leaves, such violation shall be punishable by a
2 fine of not less than Twenty-five Thousand Dollars
3 (\$25,000.00) and not more than One Hundred Thousand
4 Dollars (\$100,000.00),

5 b. three hundred (300) grams or more of a mixture or
6 substance containing a detectable amount of cocaine or
7 coca leaves, such violation shall be punishable by a
8 fine of not less than One Hundred Thousand Dollars
9 (\$100,000.00) and not more than Five Hundred Thousand
10 Dollars (\$500,000.00), or

11 c. one (1) pound or more of a mixture or substance
12 containing a detectable amount of cocaine or coca
13 leaves, such violation shall be deemed aggravated
14 trafficking punishable by a fine of not less than One
15 Hundred Thousand Dollars (\$100,000.00) and not more
16 than Five Hundred Thousand Dollars (\$500,000.00);

17 3. Heroin:

18 a. ten (10) grams or more of a mixture or substance
19 containing a detectable amount of heroin, such
20 violation shall be punishable by a fine of not less
21 than Twenty-five Thousand Dollars (\$25,000.00) and not
22 more than Fifty Thousand Dollars (\$50,000.00), or

23 b. twenty-eight (28) grams or more of a mixture or
24 substance containing a detectable amount of heroin,

1 such violation shall be punishable by a fine of not
2 less than Fifty Thousand Dollars (\$50,000.00) and not
3 more than Five Hundred Thousand Dollars (\$500,000.00);

4 4. Amphetamine or methamphetamine:

5 a. twenty (20) grams or more of a mixture or substance
6 containing a detectable amount of amphetamine or
7 methamphetamine, such violation shall be punishable by
8 a fine of not less than Twenty-five Thousand Dollars
9 (\$25,000.00) and not more than Two Hundred Thousand
10 Dollars (\$200,000.00),

11 b. two hundred (200) grams or more of a mixture or
12 substance containing a detectable amount of
13 amphetamine or methamphetamine, such violation shall
14 be punishable by a fine of not less than Fifty
15 Thousand Dollars (\$50,000.00) and not more than Five
16 Hundred Thousand Dollars (\$500,000.00), or

17 c. one (1) pound or more of a mixture or substance
18 containing a detectable amount of amphetamine or
19 methamphetamine, such violation shall be deemed
20 aggravated trafficking punishable by a fine of not
21 less than Fifty Thousand Dollars (\$50,000.00) and not
22 more than Five Hundred Thousand Dollars (\$500,000.00);

23 5. Lysergic acid diethylamide (LSD):
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- 1 a. if the quantity involved is not less than fifty (50)
2 dosage units and not more than one thousand (1,000)
3 dosage units, such violation shall be punishable by a
4 fine of not less than Fifty Thousand Dollars
5 (\$50,000.00) and not more than One Hundred Thousand
6 Dollars (\$100,000.00), or
7 b. if the quantity involved is more than one thousand
8 (1,000) dosage units, such violation shall be
9 punishable by a fine of not less than One Hundred
10 Thousand Dollars (\$100,000.00) and not more than Two
11 Hundred Fifty Thousand Dollars (\$250,000.00);

12 6. Phencyclidine (PCP):

- 13 a. one (1) ounce or more of a substance containing a
14 mixture or substance containing a detectable amount of
15 phencyclidine (PCP), such violation shall be
16 punishable by a fine of not less than Twenty Thousand
17 Dollars (\$20,000.00) and not more than Fifty Thousand
18 Dollars (\$50,000.00), or
19 b. eight (8) ounces or more of a substance containing a
20 mixture or substance containing a detectable amount of
21 phencyclidine (PCP), such violation shall be
22 punishable by a fine of not less than Fifty Thousand
23 Dollars (\$50,000.00) and not more than Two Hundred
24 Fifty Thousand Dollars (\$250,000.00);

1 7. Cocaine base:

2 a. five (5) grams or more of a mixture or substance
3 described in paragraph 2 of this subsection which
4 contains cocaine base, such violation shall be
5 punishable by a fine of not less than Twenty-five
6 Thousand Dollars (\$25,000.00) and not more than One
7 Hundred Thousand Dollars (\$100,000.00), or

8 b. fifty (50) grams or more of a mixture or substance
9 described in paragraph 2 of this subsection which
10 contains cocaine base, such violation shall be
11 punishable by a fine of not less than One Hundred
12 Thousand Dollars (\$100,000.00) and not more than Five
13 Hundred Thousand Dollars (\$500,000.00); and

14 8. Methylenedioxy methamphetamine:

15 a. thirty (30) tablets or ten (10) grams of a mixture or
16 substance containing a detectable amount of 3,4-
17 Methylenedioxy methamphetamine, such violation shall
18 be punishable by a fine of not less than Twenty-five
19 Thousand Dollars (\$25,000.00) and not more than One
20 Hundred Thousand Dollars (\$100,000.00), or

21 b. one hundred (100) tablets or thirty (30) grams of a
22 mixture or substance containing a detectable amount of
23 3,4-Methylenedioxy methamphetamine, such violation
24 shall be punishable by a fine of not less than One

1 Hundred Thousand Dollars (\$100,000.00) and not more
2 than Five Hundred Thousand Dollars (\$500,000.00).

3 D. Any person who violates the provisions of this section with
4 respect to a controlled substance specified in subsection A of this
5 section in a quantity specified in subsection C of this section
6 shall, in addition to any fines specified by this section, be
7 punishable by a term of imprisonment as follows:

8 1. Not less than twice the term of imprisonment provided for in
9 Section 2-401 of this title;

10 2. If the person has previously been convicted of one violation
11 of this section or has been previously convicted of a felony
12 violation of the Uniform Controlled Dangerous Substances Act arising
13 from separate and distinct transactions, not less than three times
14 the term of imprisonment provided for in Section 2-401 of this
15 title;

16 3. If the person has previously been convicted of two or more
17 violations of this section or any provision of the Uniform
18 Controlled Dangerous Substances Act which constitutes a felony, or a
19 combination of such violations arising out of separate and distinct
20 transactions, life without parole; and

21 4. If For convictions received on or after the effective date
22 of this act, if the person is convicted of aggravated trafficking as
23 provided in subparagraph b of paragraph 1 of subsection C of this
24 section, subparagraph c of paragraph 2 of subsection C of this

1 section or subparagraph c of paragraph 4 of subsection C of this
2 section, a mandatory minimum sentence of imprisonment in the custody
3 of the Department of Corrections for a term of fifteen (15) years of
4 which the person shall serve ~~eighty five percent (85%)~~ sixty-five
5 percent (65%) of such mandatory sentence before being eligible for
6 parole consideration or any earned credits.

7 The terms of imprisonment specified in this subsection shall not
8 be subject to statutory provisions for suspension, deferral or
9 probation, or state correctional institution earned credits accruing
10 from and after November 1, 1989, except for the achievement earned
11 credits authorized by subsection H of Section 138 of Title 57 of the
12 Oklahoma Statutes. To qualify for such achievement credits, such
13 inmates must also be in compliance with the standards for Class
14 level 2 behavior, as defined in subsection D of Section 138 of Title
15 57 of the Oklahoma Statutes.

16 Persons convicted of violations of this section shall not be
17 eligible for appeal bonds.

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

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1 SECTION 5. This act shall become effective November 1, 2011.

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