

1 STATE OF OKLAHOMA

2 1st Session of the 53rd Legislature (2011)

3 SENATE BILL 843

By: Lerblance

4
5
6 AS INTRODUCED

7 An Act relating to criminal penalties; eliminating
8 penalty of incarceration for certain persons;
9 providing alternative methods of punishment; amending
10 63 O.S. 2001, Sections 2-401, as last amended by
11 Section 4, Chapter 283, O.S.L. 2005, 2-402, as last
12 amended by Section 1, Chapter 306, O.S.L. 2009, 2-
13 404, as amended by Section 4, Chapter 396, O.S.L.
14 2004, and 2-405, as last amended by Section 5,
15 Chapter 396, O.S.L. 2004 (63 O.S. Supp. 2010,
16 Sections 2-401, 2-402, 2-404, and 2-405), which
17 relate to offenses and penalties; deleting
18 requirement of incarceration for first offense of
19 certain crimes; providing reference to certain
20 punishment provision; providing for codification; and
21 providing an effective date.

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

23 SECTION 1. NEW LAW A new section of law to be codified
24 in the Oklahoma Statutes as Section 2-401B of Title 63, unless there
is created a duplication in numbering, reads as follows:

Notwithstanding any other provision of law and for convictions
on or after the effective date of this act, any person convicted for
a nonviolent offense pursuant to the Uniform Controlled Dangerous
Substances Act and who has not been convicted of any other offense,

1 excluding traffic violations, shall not be subject to a penalty of
2 incarceration. Any person meeting the requirements of this section
3 shall be subject to other penalties that may be prescribed by law.
4 Additional penalties may include, but not be limited to, fines,
5 probation, and community service. A punishment subject to this
6 section shall contain community service of not less than one hundred
7 fifty (150) hours.

8 SECTION 2. AMENDATORY 63 O.S. 2001, Section 2-401, as
9 last amended by Section 4, Chapter 283, O.S.L. 2005 (63 O.S. Supp.
10 2010, Section 2-401), is amended to read as follows:

11 Section 2-401. A. Except as authorized by the Uniform
12 Controlled Dangerous Substances Act ~~is~~ it shall be unlawful for any
13 person:

14 1. To distribute, dispense, transport with intent to distribute
15 or dispense, possess with intent to manufacture, distribute, or
16 dispense, a controlled dangerous substance or to solicit the use of
17 or use the services of a person less than eighteen (18) years of age
18 to cultivate, distribute or dispense a controlled dangerous
19 substance;

20 2. To create, distribute, transport with intent to distribute
21 or dispense, or possess with intent to distribute, a counterfeit
22 controlled dangerous substance; or

23 3. To distribute any imitation controlled substance as defined
24 by Section 2-101 of this title, except when authorized by the Food

1 and Drug Administration of the United States Department of Health
2 and Human Services.

3 B. Any person who violates the provisions of this section with
4 respect to:

5 1. A substance classified in Schedule I or II which is a
6 narcotic drug, lysergic acid diethylamide (LSD), gamma
7 butyrolactone, gamma hydroxyvalerate, gamma valerolactone, 1,4
8 butanediol, or gamma-hydroxybutyric acid as defined in Sections 2-
9 204 and 2-208 of this title, upon conviction, shall be guilty of a
10 felony and shall be sentenced to a term of imprisonment for not less
11 than five (5) years nor more than life and a fine of not more than
12 One Hundred Thousand Dollars (\$100,000.00), which shall be in
13 addition to other punishment provided by law and shall not be
14 imposed in lieu of other punishment. Any sentence to the custody of
15 the Department of Corrections shall not be subject to statutory
16 provisions for suspended sentences, deferred sentences, or probation
17 except when the conviction is for a first offense;

18 2. Any other controlled dangerous substance classified in
19 Schedule I, II, III, or IV, upon conviction, shall be guilty of a
20 felony and shall be sentenced to a term of imprisonment for not less
21 than two (2) years nor more than life and a fine of not more than
22 Twenty Thousand Dollars (\$20,000.00), which shall be in addition to
23 other punishment provided by law and shall not be imposed in lieu of
24 other punishment. Any sentence to the custody of the Department of

1 Corrections shall not be subject to statutory provisions for
2 suspended sentences, deferred sentences, or probation except when
3 the conviction is for a first offense;

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

10 4. An imitation controlled substance as defined by Section 2-
11 101 of this title, upon conviction, shall be guilty of a misdemeanor
12 and shall be sentenced to a term of imprisonment in the county jail
13 for a period of not more than one (1) year and a fine of not more
14 than One Thousand Dollars (\$1,000.00). A person convicted of a
15 second violation of the provisions of this paragraph shall be guilty
16 of a felony and shall be sentenced to a term of imprisonment for not
17 more than five (5) years and a fine of not more than Five Thousand
18 Dollars (\$5,000.00), which shall be in addition to other punishment
19 provided by law and shall not be imposed in lieu of other
20 punishment.

21 C. 1. Except when authorized by the Food and Drug
22 Administration of the United States Department of Health and Human
23 Services, it shall be unlawful for any person to manufacture,

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1 cultivate, distribute, or possess with intent to distribute a
2 synthetic controlled substance.

3 2. Any person convicted of violating the provisions of this
4 paragraph is guilty of a felony and shall be punished by
5 imprisonment in the State Penitentiary for a term not to exceed life
6 and a fine of not more than Twenty-five Thousand Dollars
7 (\$25,000.00), 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. A second or subsequent conviction for the violation of the
11 provisions of this paragraph is a felony punishable as a habitual
12 offender pursuant to Section 51.1 of Title 21 of the Oklahoma
13 Statutes.

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

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

23 2. In addition the violator shall be fined twice the fine
24 otherwise authorized, which shall be in addition to other punishment

1 provided by law and shall not be imposed in lieu of other
2 punishment.

3 3. Convictions for second or subsequent violations of the
4 provisions of this section shall not be subject to statutory
5 provisions for suspended sentences, deferred sentences, or
6 probation.

7 E. Any person who is at least eighteen (18) years of age and
8 who violates the provisions of this section by using or soliciting
9 the use of services of a person less than eighteen (18) years of age
10 to distribute, dispense, transport with intent to distribute or
11 dispense or cultivate a controlled dangerous substance or by
12 distributing a controlled dangerous substance to a person under
13 eighteen (18) years of age is punishable by twice the fine and by
14 twice the imprisonment otherwise authorized.

15 F. Any person who violates any provision of this section by
16 transporting with intent to distribute or dispense, distributing or
17 possessing with intent to distribute a controlled dangerous
18 substance to a person, or violation of subsection G of this section,
19 in or on, or within two thousand (2,000) feet of the real property
20 comprising a public or private elementary or secondary school,
21 public vocational school, public or private college or university,
22 or other institution of higher education, recreation center or
23 public park, including state parks and recreation areas, public

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1 housing project, or child care facility as defined by Section 402 of
2 Title 10 of the Oklahoma Statutes shall be punished by:

3 1. For a first offense, ~~a term of imprisonment, or by the~~
4 ~~imposition of a fine or by both, not exceeding twice that authorized~~
5 ~~by the appropriate provision of this section and shall serve a~~
6 ~~minimum of fifty percent (50%) of the sentence received prior to~~
7 ~~becoming eligible for state correctional institution earned credits~~
8 ~~toward the completion of said sentence; or~~

9 2. For a second or subsequent offense, a term of imprisonment
10 as provided for a habitual offender pursuant to Section 51.1 of
11 Title 21 of the Oklahoma Statutes. In addition the violator shall
12 serve eighty-five percent (85%) of the sentence received prior to
13 becoming eligible for state correctional institution earned credits
14 toward the completion of ~~said~~ the sentence or eligibility for
15 parole.

16 G. 1. Except as authorized by the Uniform Controlled Dangerous
17 Substances Act, it shall be unlawful for any person to manufacture
18 or attempt to manufacture any controlled dangerous substance or
19 possess any substance listed in Section 2-322 of this title or any
20 substance containing any detectable amount of pseudoephedrine or its
21 salts, optical isomers or salts of optical isomers, iodine or its
22 salts, optical isomers or salts of optical isomers, hydriodic acid,
23 sodium metal, lithium metal, anhydrous ammonia, phosphorus, or

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1 organic solvents with the intent to use that substance to
2 manufacture a controlled dangerous substance.

3 2. Any person violating the provisions of this subsection with
4 respect to the unlawful manufacturing or attempting to unlawfully
5 manufacture any controlled dangerous substance, or possessing any
6 substance listed in this subsection or Section 2-322 of this title,
7 upon conviction, is guilty of a felony and shall be punished ~~by~~
8 ~~imprisonment in the State Penitentiary for not less than seven (7)~~
9 ~~years nor more than life and~~ consistent with the provisions of
10 Section 1 of this act and by a fine of not less than Fifty Thousand
11 Dollars (\$50,000.00), which shall be in addition to other punishment
12 provided by law and shall not be imposed in lieu of other
13 punishment. The possession of any amount of anhydrous ammonia in an
14 unauthorized container shall be prima facie evidence of intent to
15 use such substance to manufacture a controlled dangerous substance.

16 3. Any person violating the provisions of this subsection with
17 respect to the unlawful manufacturing or attempting to unlawfully
18 manufacture any controlled dangerous substance in the following
19 amounts:

- 20 a. one (1) kilogram or more of a mixture or substance
- 21 containing a detectable amount of heroin,
- 22 b. five (5) kilograms or more of a mixture or substance
- 23 containing a detectable amount of:

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1 (1) coca leaves, except coca leaves and extracts of
2 coca leaves from which cocaine, ecgonine, and
3 derivatives of ecgonine or their salts have been
4 removed,

5 (2) cocaine, its salts, optical and geometric
6 isomers, and salts of isomers,

7 (3) ecgonine, its derivatives, their salts, isomers,
8 and salts of isomers, or

9 (4) any compound, mixture, or preparation which
10 contains any quantity of any of the substances
11 referred to in divisions (1) through (3) of this
12 subparagraph,

13 c. fifty (50) grams or more of a mixture or substance
14 described in division (2) of subparagraph b of this
15 paragraph which contains cocaine base,

16 d. one hundred (100) grams or more of phencyclidine (PCP)
17 or 1 kilogram or more of a mixture or substance
18 containing a detectable amount of phencyclidine (PCP),

19 e. ten (10) grams or more of a mixture or substance
20 containing a detectable amount of lysergic acid
21 diethylamide (LSD),

22 f. four hundred (400) grams or more of a mixture or
23 substance containing a detectable amount of N-phenyl-
24 N-[1-(2-pheylethy)-4-piperidinyl] propanamide or 100

1 grams or more of a mixture or substance containing a
2 detectable amount of any analogue of N-phenyl-N-[1-(2-
3 phenylethyl)-4-piperidinyl] propanamide,

4 g. one thousand (1,000) kilograms or more of a mixture or
5 substance containing a detectable amount of marihuana
6 or one thousand (1000) or more marihuana plants
7 regardless of weight, or

8 h. fifty (50) grams or more of methamphetamine, its
9 salts, isomers, and salts of its isomers or 500 grams
10 or more of a mixture or substance containing a
11 detectable amount of methamphetamine, its salts,
12 isomers, or salts of its isomers,

13 upon conviction, is guilty of aggravated manufacturing a controlled
14 dangerous substance punishable by ~~imprisonment in the State~~
15 ~~Penitentiary for not less than twenty (20) years nor more than life~~
16 ~~and terms consistent with Section 1 of this act and~~ by a fine of not
17 less than ~~Fifty Thousand Dollars (\$50,000.00)~~ Seventy Thousand
18 Dollars (\$70,000.00), which shall be in addition to other punishment
19 provided by law and shall not be imposed in lieu of other
20 punishment. Any person convicted of a second or subsequent
21 violation of the provisions of this paragraph shall be punished by
22 imprisonment in the custody of the Department of Corrections for not
23 less than twenty (20) years nor more than life and shall be required
24 to serve a minimum of eighty-five percent (85%) of the sentence

1 received prior to becoming eligible for state correctional earned
2 credits towards the completion of the sentence or eligible for
3 parole.

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

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

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

1 J. For purposes of this section, "public housing project" means
2 any dwelling or accommodations operated as a state or federally
3 subsidized multifamily housing project by any housing authority,
4 nonprofit corporation or municipal developer or housing projects
5 created pursuant to the Oklahoma Housing Authorities Act.

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

12 SECTION 3. AMENDATORY 63 O.S. 2001, Section 2-402, as
13 amended by Section 1, Chapter 306, O.S.L. 2009 (63 O.S. Supp. 2010,
14 Section 2-402), is amended to read as follows:

15 Section 2-402. A. 1. It shall be unlawful for any person
16 knowingly or intentionally to possess a controlled dangerous
17 substance unless such substance was obtained directly, or pursuant
18 to a valid prescription or order from a practitioner, while acting
19 in the course of his or her professional practice, or except as
20 otherwise authorized by ~~this act~~ Section 2-101 et seq. of this
21 title.

22 2. It shall be unlawful for any person to purchase any
23 preparation excepted from the provisions of the Uniform Controlled
24 Dangerous Substances Act, Section 2-101 et seq. of this title,

1 pursuant to Section 2-313 of this title in an amount or within a
2 time interval other than that permitted by Section 2-313 of this
3 title.

4 3. It shall be unlawful for any person or business to sell,
5 market, advertise or label any product containing ephedrine, its
6 salts, optical isomers, or salts of optical isomers, for the
7 indication of stimulation, mental alertness, weight loss, appetite
8 control, muscle development, energy or other indication which is not
9 approved by the pertinent federal OTC Final Monograph, Tentative
10 Final Monograph, or FDA-approved new drug application or its legal
11 equivalent. In determining compliance with this requirement, the
12 following factors shall be considered:

- 13 a. the packaging of the product,
- 14 b. the name of the product, and
- 15 c. the distribution and promotion of the product,
16 including verbal representations made at the point of
17 sale.

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

- 19 1. Any Schedule I or II substance, except marihuana or a
20 substance included in subsection D of Section 2-206 of this title,
21 is guilty of a felony punishable ~~by imprisonment for not less than~~
22 ~~two (2) years nor more than ten (10) years and~~ by a fine not
23 exceeding Five Thousand Dollars (\$5,000.00) and consistent with the
24 provisions of Section 1 of this act. A second or subsequent

1 violation of this section with respect to Schedule I or II
2 substance, except marijuana or a substance included in subsection D
3 of Section 2-206 of this title, is a felony punishable by
4 imprisonment for not less than four (4) years nor more than twenty
5 (20) years and by a fine not exceeding Ten Thousand Dollars
6 (\$10,000.00); or

7 2. Any Schedule III, IV or V substance, marihuana, a substance
8 included in subsection D of Section 2-206 of this title, or any
9 preparation excepted from the provisions of the Uniform Controlled
10 Dangerous Substances Act is guilty of a misdemeanor punishable ~~by~~
11 ~~confinement for not more than one (1) year and~~ by a fine not
12 exceeding One Thousand Dollars (\$1,000.00) and consistent with the
13 provisions of Section 1 of this act. A second or subsequent
14 violation of this section with respect to any Schedule III, IV or V
15 substance, marijuana, a substance included in subsection D of
16 Section 2-206 of this title, or any preparation excepted from the
17 provisions of the Uniform Controlled Dangerous Substances Act is a
18 felony punishable by imprisonment for not less than two (2) years
19 nor more than ten (10) years and by a fine not exceeding Five
20 Thousand Dollars (\$5,000.00).

21 C. Any person who violates any provision of this section by
22 possessing or purchasing a controlled dangerous substance from any
23 person, in or on, or within one thousand (1,000) feet of the real
24 property comprising a public or private elementary or secondary

1 school, public vocational school, public or private college or
2 university, or other institution of higher education, recreation
3 center or public park, including state parks and recreation areas,
4 or in the presence of any child under twelve (12) years of age,
5 shall be guilty of a felony and punished by:

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

14 2. For a second or subsequent offense, a term of imprisonment
15 not exceeding three times that authorized by the appropriate
16 provision of this section and the person shall serve a minimum of
17 ninety percent (90%) of the sentence received prior to becoming
18 eligible for state correctional institution earned credits toward
19 the completion of ~~said~~ the sentence, and imposition of a fine not
20 exceeding Ten Thousand Dollars (\$10,000.00).

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

3 SECTION 4. AMENDATORY 63 O.S. 2001, Section 2-404, as
4 amended by Section 4, Chapter 396, O.S.L. 2004 (63 O.S. Supp. 2010,
5 Section 2-404), is amended to read as follows:

6 Section 2-404. A. It shall be unlawful for any person:

7 1. Who is subject to the requirements of Article III of ~~this~~
8 ~~act~~ Section 2-301 et seq. of this title to distribute or dispense a
9 controlled dangerous substance in violation of Section 2-308 of this
10 title;

11 2. Who is a registrant to manufacture, distribute, or dispense
12 a controlled dangerous substance not authorized by his or her
13 registration to another registrant or other authorized person;

14 3. To omit, remove, alter, or obliterate a symbol required by
15 the Federal Controlled Substances Act or ~~this act~~ Section 2-101 et
16 seq. of this title;

17 4. To refuse or fail to make, keep, or furnish any record,
18 notification, order form, statement, invoice, or information
19 required under ~~this act~~ the Uniform Controlled Dangerous Substances
20 Act;

21 5. To refuse any entry into any premises or inspection
22 authorized by ~~this act~~ the Uniform Controlled Dangerous Substances
23 Act; or
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1 6. To keep or maintain any store, shop, warehouse, dwelling
2 house, building, vehicle, boat, aircraft, or any place whatever,
3 which is resorted to by persons using controlled dangerous
4 substances in violation of this act for the purpose of using such
5 substances, or which is used for the keeping or selling of the same
6 in violation of ~~this act~~ the Uniform Controlled Dangerous Substances
7 Act.

8 B. Any person who violates this section is punishable by a
9 civil fine of not more than One Thousand Dollars (\$1,000.00);
10 provided, that, if the violation is prosecuted by an information or
11 indictment which alleges that the violation was committed knowingly
12 or intentionally, and the trier of fact specifically finds that the
13 violation was committed knowingly or intentionally, such person is
14 guilty of a felony punishable by ~~imprisonment for not more than five~~
15 ~~(5) years, and~~ a fine of not more than Ten Thousand Dollars
16 (\$10,000.00) and such punishment shall be consistent with Section 1
17 of this act, except that if such person is a corporation it shall be
18 subject to a civil penalty of not more than One Hundred Thousand
19 Dollars (\$100,000.00). The fine provided for in this subsection
20 shall be in addition to other punishments provided by law and shall
21 not be in lieu of other punishment.

22 C. Any person convicted of a second or subsequent violation of
23 this section is punishable by a term of imprisonment twice that
24 otherwise authorized and by twice the fine otherwise authorized.

1 The fine provided for in this subsection shall be in addition to
2 other punishments provided by law and shall not be in lieu of other
3 punishment.

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

9 SECTION 5. AMENDATORY 63 O.S. 2001, Section 2-405, as
10 last amended by Section 5, Chapter 396, O.S.L. 2004 (63 O.S. Supp.
11 2010, Section 2-405), is amended to read as follows:

12 Section 2-405. A. No person shall use tincture of opium,
13 tincture of opium camphorated, or any derivative thereof, by the
14 hypodermic method, either with or without a medical prescription
15 therefor.

16 B. No person shall use drug paraphernalia to plant, propagate,
17 cultivate, grow, harvest, manufacture, compound, convert, produce,
18 process, prepare, test, analyze, pack, repack, store, contain,
19 conceal, inject, ingest, inhale or otherwise introduce into the
20 human body a controlled dangerous substance in violation of the
21 Uniform Controlled Dangerous Substances Act, except those persons
22 holding an unrevoked license in the professions of podiatry,
23 dentistry, medicine, nursing, optometry, osteopathy, veterinary
24 medicine or pharmacy.

1 C. No person shall deliver, sell, possess or manufacture drug
2 paraphernalia knowing, or under circumstances where one reasonably
3 should know, that it will be used to plant, propagate, cultivate,
4 grow, harvest, manufacture, compound, convert, produce, process,
5 prepare, test, analyze, pack, repack, store, contain, conceal,
6 inject, ingest, inhale or otherwise introduce into the human body a
7 controlled dangerous substance in violation of the Uniform
8 Controlled Dangerous Substances Act.

9 D. Any person eighteen (18) years of age or over who violates
10 subsection C of this section by delivering or selling drug
11 paraphernalia to a person under eighteen (18) years of age shall,
12 upon conviction, be guilty of a felony and punishable by a fine of
13 not more than Two Thousand Dollars (\$2,000.00) and such punishment
14 shall be consistent with the provisions of Section 1 of this act.

15 E. Any person who violates subsections A, B or C of this
16 section shall, upon conviction, be guilty of a misdemeanor
17 punishable as follows:

18 1. For a first offense the person shall be punished ~~by~~
19 ~~imprisonment in the county jail for not more than one (1) year or by~~
20 ~~a fine of not more than One Thousand Dollars (\$1,000.00), or both~~
21 ~~such fine and imprisonment~~ and such punishment shall be consistent
22 with the provisions of Section 1 of this act;

23 2. For a second offense the person shall be punished by
24 imprisonment in the county jail for not more than one (1) year or by

1 a fine of not more than Five Thousand Dollars (\$5,000.00), or both
2 such fine and imprisonment; and

3 3. For a third or subsequent offense the person shall be
4 punished by imprisonment in the county jail for not more than one
5 (1) year or by a fine of not more than Ten Thousand Dollars
6 (\$10,000.00), or both such fine and imprisonment.

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

12 SECTION 6. This act shall become effective November 1, 2011.

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