

## **BILL SUMMARY**

1st Session of the 53rd Legislature

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| <b>Bill No.:</b>       | <b>SB919</b>   |
| <b>Version:</b>        | <b>CS</b>  |
| <b>Request Number:</b> | <b>7352</b>  |
| <b>Author:</b>         | <b>Representative Derby<br/>Senator Sykes</b>  |
| <b>Date:</b>           | <b>3/31/2011</b>   |
| <b>Impact:</b>         | <b>Annual Cost Increase - DOC<br/>Dependent Upon the<br/>Number of Adjudicated Cases</b> |

### **Research Analysis**

The measure provides criminal penalties for a person to possess, sell, or give away any quantity of dangerous drugs not listed as a scheduled drug when the drug was obtained by a forged prescription. Clarifies the scheduling of certain Schedule I drugs. Provides that any quantity of a synthetic chemical compound that is a cannabinoid receptor agonist and mimics the pharmacological effect of naturally occurring substances is to be considered Schedule I. Adds codeine, hydrocodone, morphine, remifentanyl and sufentanyl to Schedule II. Adds any substance which contains any quantity of nabilone to Schedule II. Adds buprenorphine and hydrocodone with another active ingredient to Schedule III. Adds six drugs to Schedule IV. Adds pregabalin to Schedule V. Allows electronic prescribing for Schedules III and IV. Clarifies amounts for consideration of punishment. The bill transfers responsibility for the destruction of seized or surrendered drugs from the Oklahoma State Bureau of Investigation to the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control (OBNDD). Clarifies persons required to register with the OBNDD after methamphetamine conviction.

Prepared By: Brad Wolgamott

### **Fiscal Analysis**

The CS for Engrossed SB919 creates a new felony offense for a second conviction of possessing, selling, bartering or giving away any quantity of dangerous drugs obtained by a prescription that bears forged, fictitious or altered information. The punishment is up to five years imprisonment and a fine up to \$2,000. The fiscal impact would be dependent upon the number of adjudicated cases and the length of any prison term imposed by the court.

The measure also lowers the quantity of drugs that would constitute an aggravated trafficking violation. The penalty for a first offense of aggravated trafficking is no less than twice the penalty for trafficking. The penalty for a second offense of aggravated trafficking or any previous felony violation of the Uniform Controlled Dangerous Substances Act is no less than three times the penalty for trafficking. The penalty for trafficking ranges from two years to life imprisonment. Lowering the quantity of drugs required for an aggravated trafficking violation will make more drug offenders susceptible to an aggravated trafficking charge and thereby increasing the terms of imprisonment by two or three times what it is under current law. The fiscal impact would be dependent upon the number of adjudicated cases and the increase in the terms of imprisonment imposed by the court.

SB919 transfers responsibility for the destruction of seized or surrendered drugs from the Oklahoma State Bureau of Investigation to the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control (OBNDD). According to OBNDD, the cost will be approximately \$700,000 annually. The OBNDD voluntarily accepts the additional responsibilities and has available funds for the associated costs. No additional state funding will be required.

Prepared By: Marilyn Anderson

**Other Considerations**

None