

05/19/2014 10:08:57 AM

HOUSE OF REPRESENTATIVES
CONFERENCE COMMITTEE REPORT

Mr. President:
Mr. Speaker:

The Conference Committee, to which was referred

HB2589

By: Ownbey of the House and Simpson of the Senate

Title: Public health and safety; making certain substances applicable to the Trafficking in Illegal Drugs Act; effective date.

Together with Engrossed Senate Amendments thereto, beg leave to report that we have had the same under consideration and herewith return the same with the following recommendations:

1. That the Senate recede from its Amendment No. 1; and
2. That the attached Conference Committee Substitute be adopted.

Respectfully submitted,

House Action _____ Date _____ Senate Action _____ Date _____

HB2589 CCR (A)
HOUSE CONFEREES

Cox, Doug

Derby, David



Echols, Jon

Enns, John



Grau, Randy



Hamilton, Rebecca

Hulbert, Arthur



McDaniel, Jeannie



Mulready, Glen



Ritze, Mike

Shelton, Mike

HB 2589 CCR A

SENATE CONFEREES

Bass [Signature]

Branan _____

Brinkley [Signature]

Coates _____

Crain [Signature]

David [Signature]

Ellis _____

Fields [Signature]

Ford [Signature]

Griffin [Signature]

Halligan _____

Holt [Signature]

Ivester _____

C. Johnson _____

R. Johnson [Signature]

Jolley [Signature]

Justice [Signature]

Marlatt [Signature]

Mazzei [Signature]

Newberry _____

Paddack [Signature]

Standridge [Signature]

Stanislowski [Signature]

Sykes [Signature]

Treat [Signature]

Wyrick _____

House Action _____ Date _____ Senate Action _____ Date _____

1 STATE OF OKLAHOMA

2 2nd Session of the 54th Legislature (2014)

3 CONFERENCE COMMITTEE
4 SUBSTITUTE
5 FOR ENGROSSED
6 HOUSE BILL NO. 2589

By: Ownbey and Biggs of the
House

7 and

Simpson and Ivester of the
Senate

8
9
10
11 CONFERENCE COMMITTEE SUBSTITUTE

12 An Act relating to public health and safety; amending
13 63 O.S. 2011, Section 2-415, which relates to the
14 Trafficking in Illegal Drugs Act; making certain
15 substances applicable to the Trafficking in Illegal
16 Drugs Act; adding penalties; and providing an
17 effective date.

18
19 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

20 SECTION 1. AMENDATORY 63 O.S. 2011, Section 2-415, is
21 amended to read as follows:

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

- 1 1. Marihuana;
- 2 2. Cocaine or coca leaves;
- 3 3. Heroin;
- 4 4. Amphetamine or methamphetamine;
- 5 5. Lysergic acid diethylamide (LSD);
- 6 6. Phencyclidine (PCP);
- 7 7. Cocaine base, commonly known as "crack" or "rock"; ~~or~~
- 8 8. 3,4-Methylenedioxy methamphetamine, commonly known as
- 9 "ecstasy" or MDMA;
- 10 9. Morphine;
- 11 10. Oxycodone;
- 12 11. Hydrocodone; or
- 13 12. Benzodiazepine.

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

- 16 1. Knowingly distribute, manufacture, bring into this state or
- 17 possess a controlled substance specified in subsection A of this
- 18 section in the quantities specified in subsection C of this section;
- 19 2. Possess any controlled substance with the intent to
- 20 manufacture a controlled substance specified in subsection A of this
- 21 section in quantities specified in subsection C of this section; or
- 22 3. Use or solicit the use of services of a person less than
- 23 eighteen (18) years of age to distribute or manufacture a controlled
- 24

1 dangerous substance specified in subsection A of this section in
2 quantities specified in subsection C of this section.

3 Violation of this section shall be known as "trafficking in
4 illegal drugs". Separate types of controlled substances described
5 in subsection A of this section when possessed at the same time in
6 violation of any provision of this section shall constitute a
7 separate offense for each substance.

8 Any person who commits the conduct described in paragraph 1, 2
9 or 3 of this subsection and represents the quantity of the
10 controlled substance to be an amount described in subsection C of
11 this section shall be punished under the provisions appropriate for
12 the amount of controlled substance represented, regardless of the
13 actual amount.

14 C. In the case of a violation of the provisions of subsection B
15 of this section, involving:

16 1. Marihuana:

17 a. twenty-five (25) pounds or more of a mixture or
18 substance containing a detectable amount of marihuana~~7~~
19 ~~such violation~~ shall be punishable by a fine of not
20 less than Twenty-five Thousand Dollars (\$25,000.00)
21 and not more than One Hundred Thousand Dollars
22 (\$100,000.00), or

23 b. one thousand (1,000) pounds or more of a mixture or
24 substance containing a detectable amount of marihuana~~7~~

1 ~~such violation~~ shall be deemed aggravated trafficking
2 punishable by a fine of not less than One Hundred
3 Thousand Dollars (\$100,000.00) and not more than Five
4 Hundred Thousand Dollars (\$500,000.00);

5 2. Cocaine or coca leaves:

6 a. twenty-eight (28) grams or more of a mixture or
7 substance containing a detectable amount of cocaine or
8 coca leaves, ~~such violation~~ shall be punishable by a
9 fine of not less than Twenty-five Thousand Dollars
10 (\$25,000.00) and not more than One Hundred Thousand
11 Dollars (\$100,000.00),

12 b. three hundred (300) grams or more of a mixture or
13 substance containing a detectable amount of cocaine or
14 coca leaves, ~~such violation~~ shall be punishable by a
15 fine of not less than One Hundred Thousand Dollars
16 (\$100,000.00) and not more than Five Hundred Thousand
17 Dollars (\$500,000.00), or

18 c. four hundred fifty (450) grams or more of a mixture or
19 substance containing a detectable amount of cocaine or
20 coca leaves, ~~such violation~~ shall be deemed aggravated
21 trafficking punishable by a fine of not less than One
22 Hundred Thousand Dollars (\$100,000.00) and not more
23 than Five Hundred Thousand Dollars (\$500,000.00);

24 3. Heroin:

- 1 a. ten (10) grams or more of a mixture or substance
2 containing a detectable amount of heroin,~~such~~
3 ~~violation~~ shall be punishable by a fine of not less
4 than Twenty-five Thousand Dollars (\$25,000.00) and not
5 more than Fifty Thousand Dollars (\$50,000.00), or
6 b. twenty-eight (28) grams or more of a mixture or
7 substance containing a detectable amount of heroin,~~such~~
8 ~~violation~~ shall be punishable by a fine of not
9 less than Fifty Thousand Dollars (\$50,000.00) and not
10 more than Five Hundred Thousand Dollars (\$500,000.00);

11 4. Amphetamine or methamphetamine:

- 12 a. twenty (20) grams or more of a mixture or substance
13 containing a detectable amount of amphetamine or
14 methamphetamine,~~such violation~~ shall be punishable by
15 a fine of not less than Twenty-five Thousand Dollars
16 (\$25,000.00) and not more than Two Hundred Thousand
17 Dollars (\$200,000.00),
18 b. two hundred (200) grams or more of a mixture or
19 substance containing a detectable amount of
20 amphetamine or methamphetamine,~~such violation~~ shall
21 be punishable by a fine of not less than Fifty
22 Thousand Dollars (\$50,000.00) and not more than Five
23 Hundred Thousand Dollars (\$500,000.00), or
24

1 c. four hundred fifty (450) grams or more of a mixture or
2 substance containing a detectable amount of
3 amphetamine or methamphetamine, ~~such violation~~ shall
4 be deemed aggravated trafficking punishable by a fine
5 of not less than Fifty Thousand Dollars (\$50,000.00)
6 and not more than Five Hundred Thousand Dollars
7 (\$500,000.00);

8 5. Lysergic acid diethylamide (LSD):

9 a. one (1) gram or more of a mixture or substance
10 containing a detectable amount of lysergic acid
11 diethylamide (LSD), ~~such violation~~ shall be punishable
12 by a fine of not less than Fifty Thousand Dollars
13 (\$50,000.00) and not more than One Hundred Thousand
14 Dollars (\$100,000.00), or

15 b. ten (10) grams or more of a mixture or substance
16 containing a detectable amount of lysergic acid
17 diethylamide (LSD), ~~such violation~~ shall be punishable
18 by a fine of not less than One Hundred Thousand
19 Dollars (\$100,000.00) and not more than Two Hundred
20 Fifty Thousand Dollars (\$250,000.00);

21 6. Phencyclidine (PCP):

22 a. twenty (20) grams or more of a substance containing a
23 mixture or substance containing a detectable amount of
24 phencyclidine (PCP), ~~such violation~~ shall be

1 punishable by a fine of not less than Twenty Thousand
2 Dollars (\$20,000.00) and not more than Fifty Thousand
3 Dollars (\$50,000.00), or

- 4 b. one hundred fifty (150) grams or more of a substance
5 containing a mixture or substance containing a
6 detectable amount of phencyclidine (PCP), ~~such~~
7 ~~violation~~ shall be punishable by a fine of not less
8 than Fifty Thousand Dollars (\$50,000.00) and not more
9 than Two Hundred Fifty Thousand Dollars (\$250,000.00);

10 7. Cocaine base:

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

- 17 b. fifty (50) grams or more of a mixture or substance
18 described in paragraph 2 of this subsection which
19 contains cocaine base, ~~such violation~~ shall be
20 punishable by a fine of not less than One Hundred
21 Thousand Dollars (\$100,000.00) and not more than Five
22 Hundred Thousand Dollars (\$500,000.00); ~~and~~

23 8. Methylenedioxy methamphetamine:
24

- 1 a. thirty (30) tablets or ten (10) grams of a mixture or
2 substance containing a detectable amount of 3,4-
3 Methylenedioxy methamphetamine, ~~such violation~~ shall
4 be punishable by a fine of not less than Twenty-five
5 Thousand Dollars (\$25,000.00) and not more than One
6 Hundred Thousand Dollars (\$100,000.00), or
7 b. one hundred (100) tablets or thirty (30) grams of a
8 mixture or substance containing a detectable amount of
9 3,4-Methylenedioxy methamphetamine, ~~such violation~~
10 shall be punishable by a fine of not less than One
11 Hundred Thousand Dollars (\$100,000.00) and not more
12 than Five Hundred Thousand Dollars (\$500,000.00);

13 9. Morphine: One thousand (1,000) grams or more of a mixture
14 containing a detectable amount of morphine shall be punishable by a
15 fine of not less than One Hundred Thousand Dollars (\$100,000.00) and
16 not more than Five Hundred Thousand Dollars (\$500,000.00);

17 10. Oxycodone: Four hundred (400) grams or more of a mixture
18 containing a detectable amount of oxycodone shall be punishable by a
19 fine of not less than One Hundred Thousand Dollars (\$100,000.00) and
20 not more than Five Hundred Thousand Dollars (\$500,000.00);

21 11. Hydrocodone: Three thousand seven hundred and fifty
22 (3,750) grams or more of a mixture containing a detectable amount of
23 hydrocodone shall be punishable by a fine of not less than One
24

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

3 12. Benzodiazepine: Five hundred (500) grams or more of a
4 mixture containing a detectable amount of benzodiazepine shall be
5 punishable by a fine of not less than One Hundred Thousand Dollars
6 (\$100,000.00) and not more than Five Hundred Thousand Dollars
7 (\$500,000.00).

8 D. Any person who violates the provisions of this section with
9 respect to a controlled substance specified in subsection A of this
10 section in a quantity specified in subsection C of this section
11 shall, in addition to any fines specified by this section, be
12 punishable by a term of imprisonment as follows:

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

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

21 3. If the person has previously been convicted of two or more
22 violations of this section or any provision of the Uniform
23 Controlled Dangerous Substances Act which constitutes a felony, or a
24

1 combination of such violations arising out of separate and distinct
2 transactions, life without parole; and

3 4. If the person is convicted of aggravated trafficking as
4 provided in subparagraph b of paragraph 1 of subsection C of this
5 section, subparagraph c of paragraph 2 of subsection C of this
6 section or subparagraph c of paragraph 4 of subsection C of this
7 section, a mandatory minimum sentence of imprisonment in the custody
8 of the Department of Corrections for a term of fifteen (15) years of
9 which the person shall serve eighty-five percent (85%) of such
10 mandatory sentence before being eligible for parole consideration or
11 any earned credits.

12 The terms of imprisonment specified in this subsection shall not
13 be subject to statutory provisions for suspension, deferral or
14 probation, or state correctional institution earned credits accruing
15 from and after November 1, 1989, except for the achievement earned
16 credits authorized by subsection H of Section 138 of Title 57 of the
17 Oklahoma Statutes. To qualify for such achievement credits, such
18 inmates must also be in compliance with the standards for Class
19 level 2 behavior, as defined in subsection D of Section 138 of Title
20 57 of the Oklahoma Statutes.

21 Persons convicted of violations of this section shall not be
22 eligible for appeal bonds.

23 E. Any person convicted of any offense described in this
24 section shall, in addition to any fine imposed, pay a special

1 assessment trauma-care fee of One Hundred Dollars (\$100.00) to be
2 deposited into the Trauma Care Assistance Revolving Fund created in
3 Section 1-2530.9 of this title and the assessment pursuant to
4 Section 2-503.2 of this title.

5 SECTION 2. This act shall become effective November 1, 2014.

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7 54-2-10957 GRS 04/30/14

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