

1 STATE OF OKLAHOMA

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

3 COMMITTEE SUBSTITUTE

4 FOR

HOUSE BILL NO. 2589

By: Ownbey

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6
7 COMMITTEE SUBSTITUTE

8 An Act relating to public health and safety; amending
9 63 O.S. 2011, Section 2-415, which relates to the
10 Trafficking in Illegal Drugs Act; making certain
11 substances applicable to the Trafficking in Illegal
12 Drugs Act; adding penalties; and providing an
13 effective date.

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

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

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

- 20 1. Marihuana;
- 21 2. Cocaine or coca leaves;
- 22 3. Heroin;
- 23 4. Amphetamine or methamphetamine;
- 24 5. Lysergic acid diethylamide (LSD);
6. Phencyclidine (PCP);

1 7. Cocaine base, commonly known as "crack" or "rock"; ~~or~~

2 8. 3,4-Methylenedioxy methamphetamine, commonly known as
3 "ecstasy" or MDMA;

4 9. Morphine;

5 10. Oxycodone;

6 11. Hydrocodone; or

7 12. Benzodiazepine.

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. four hundred fifty (450) grams or more of a mixture or
12 substance containing a detectable amount of cocaine or
13 coca 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. four hundred fifty (450) grams or more of a mixture or
18 substance containing a detectable amount of
19 amphetamine or methamphetamine, ~~such violation~~ shall
20 be deemed aggravated trafficking punishable by a fine
21 of not less than Fifty Thousand Dollars (\$50,000.00)
22 and not more than Five Hundred Thousand Dollars
23 (\$500,000.00);

24 5. Lysergic acid diethylamide (LSD):

- 1 a. one (1) gram or more of a mixture or substance
2 containing a detectable amount of lysergic acid
3 diethylamide (LSD), ~~such violation~~ shall be punishable
4 by a 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. ten (10) grams or more of a mixture or substance
8 containing a detectable amount of lysergic acid
9 diethylamide (LSD), ~~such violation~~ shall be punishable
10 by a fine of not less than One Hundred Thousand
11 Dollars (\$100,000.00) and not more than Two Hundred
12 Fifty Thousand Dollars (\$250,000.00);

13 6. Phencyclidine (PCP):

- 14 a. twenty (20) grams or more of a substance containing a
15 mixture or substance containing a detectable amount of
16 phencyclidine (PCP), ~~such violation~~ shall be
17 punishable by a fine of not less than Twenty Thousand
18 Dollars (\$20,000.00) and not more than Fifty Thousand
19 Dollars (\$50,000.00), or
20 b. one hundred fifty (150) grams or more of a substance
21 containing a mixture or substance containing a
22 detectable amount of phencyclidine (PCP), ~~such~~
23 ~~violation~~ shall be punishable by a fine of not less
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1 than Fifty Thousand Dollars (\$50,000.00) and not more
2 than Two Hundred Fifty Thousand Dollars (\$250,000.00);

3 7. Cocaine base:

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

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

16 8. Methylenedioxy methamphetamine:

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

23 b. one hundred (100) tablets or thirty (30) grams of a
24 mixture or substance containing a detectable amount of

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

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

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

13 11. Hydrocodone: Fifty (50) grams of a mixture containing a
14 detectable amount of hydrocodone, shall be punishable by a fine of
15 not less than One Hundred Thousand Dollars (\$100,000.00) and not
16 more than Five Hundred Thousand Dollars (\$500,000.00); and

17 12. Benzodiazepine: Fifteen (15) grams of a mixture containing
18 a detectable amount of benzodiazepine, shall be punishable by a fine
19 of not less than One Hundred Thousand Dollars (\$100,000.00) and not
20 more than Five Hundred Thousand Dollars (\$500,000.00).

21 D. Any person who violates the provisions of this section with
22 respect to a controlled substance specified in subsection A of this
23 section in a quantity specified in subsection C of this section
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1 shall, in addition to any fines specified by this section, be
2 punishable by a term of imprisonment as follows:

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

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

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

16 4. If the person is convicted of aggravated trafficking as
17 provided in subparagraph b of paragraph 1 of subsection C of this
18 section, subparagraph c of paragraph 2 of subsection C of this
19 section or subparagraph c of paragraph 4 of subsection C of this
20 section, a mandatory minimum sentence of imprisonment in the custody
21 of the Department of Corrections for a term of fifteen (15) years of
22 which the person shall serve eighty-five percent (85%) of such
23 mandatory sentence before being eligible for parole consideration or
24 any earned credits.

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

10 Persons convicted of violations of this section shall not be
11 eligible for appeal bonds.

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

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

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20 54-2-10003 AM 02/12/14

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