

1 ENGROSSED HOUSE
2 BILL NO. 2608

By: Williams of the House

3 and

4 Burrage of the Senate

5
6 An Act relating to public health and safety; amending
7 63 O.S. 2011, Section 2-415, which relates to the
8 Trafficking in Illegal Drugs Act; modifying penalty;
and providing an effective date.

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

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

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

17 1. Marihuana;

18 2. Cocaine or coca leaves;

19 3. Heroin;

20 4. Amphetamine or methamphetamine;

21 5. Lysergic acid diethylamide (LSD);

22 6. Phencyclidine (PCP);

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

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1 8. 3,4-Methylenedioxy methamphetamine, commonly known as
2 "ecstasy" or MDMA.

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

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

8 2. Possess any controlled substance with the intent to
9 manufacture a controlled substance specified in subsection A of this
10 section in quantities specified in subsection C of this section; or

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

15 Violation of this section shall be known as "trafficking in
16 illegal drugs". Separate types of controlled substances described
17 in subsection A of this section when possessed at the same time in
18 violation of any provision of this section shall constitute a
19 separate offense for each substance.

20 Any person who commits the conduct described in paragraph 1, 2
21 or 3 of this subsection and represents the quantity of the
22 controlled substance to be an amount described in subsection C of
23 this section shall be punished under the provisions appropriate for
24

1 the amount of controlled substance represented, regardless of the
2 actual amount.

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

5 1. Marihuana:

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

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

18 2. Cocaine or coca leaves:

19 a. twenty-eight (28) grams or more of a mixture or
20 substance containing a detectable amount of cocaine or
21 coca leaves, such violation shall be punishable by a
22 fine of not less than Twenty-five Thousand Dollars
23 (\$25,000.00) and not more than One Hundred Thousand
24 Dollars (\$100,000.00),

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

7 c. four hundred fifty (450) grams or more of a mixture or
8 substance containing a detectable amount of cocaine or
9 coca leaves, such violation shall be deemed aggravated
10 trafficking 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 3. Heroin:

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

19 b. twenty-eight (28) grams or more of a mixture or
20 substance containing a detectable amount of heroin,
21 such violation shall be punishable by a fine of not
22 less than Fifty Thousand Dollars (\$50,000.00) and not
23 more than Five Hundred Thousand Dollars (\$500,000.00);

24 4. Amphetamine or methamphetamine:

- 1 a. twenty (20) grams or more of a mixture or substance
2 containing a detectable amount of amphetamine or
3 methamphetamine, such violation shall be punishable by
4 a fine of not less than Twenty-five Thousand Dollars
5 (\$25,000.00) and not more than Two Hundred Thousand
6 Dollars (\$200,000.00),
- 7 b. two hundred (200) grams or more of a mixture or
8 substance containing a detectable amount of
9 amphetamine or methamphetamine, such violation shall
10 be punishable by a fine of not less than Fifty
11 Thousand Dollars (\$50,000.00) and not more than Five
12 Hundred Thousand Dollars (\$500,000.00), or
- 13 c. four hundred fifty (450) grams or more of a mixture or
14 substance containing a detectable amount of
15 amphetamine or methamphetamine, such violation shall
16 be deemed aggravated trafficking punishable by a fine
17 of not less than Fifty Thousand Dollars (\$50,000.00)
18 and not more than Five Hundred Thousand Dollars
19 (\$500,000.00);

20 5. Lysergic acid diethylamide (LSD):

- 21 a. one (1) gram or more of a mixture or substance
22 containing a detectable amount of lysergic acid
23 diethylamide (LSD), such violation shall be punishable
24 by a fine of not less than Fifty Thousand Dollars

1 (\$50,000.00) and not more than One Hundred Thousand
2 Dollars (\$100,000.00), or

3 b. ten (10) grams or more of a mixture or substance
4 containing a detectable amount of lysergic acid
5 diethylamide (LSD), such violation shall be punishable
6 by a fine of not less than One Hundred Thousand
7 Dollars (\$100,000.00) and not more than Two Hundred
8 Fifty Thousand Dollars (\$250,000.00);

9 6. Phencyclidine (PCP):

10 a. twenty (20) grams or more of a substance containing a
11 mixture or substance containing a detectable amount of
12 phencyclidine (PCP), such violation shall be
13 punishable by a fine of not less than Twenty Thousand
14 Dollars (\$20,000.00) and not more than Fifty Thousand
15 Dollars (\$50,000.00), or

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

22 7. Cocaine base:

23 a. five (5) grams or more of a mixture or substance
24 described in paragraph 2 of this subsection which

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

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

11 8. Methylenedioxy methamphetamine:

- 12 a. thirty (30) tablets or ten (10) grams of a mixture or
13 substance containing a detectable amount of 3,4-
14 Methylenedioxy methamphetamine, such violation shall
15 be punishable by a fine of not less than Twenty-five
16 Thousand Dollars (\$25,000.00) and not more than One
17 Hundred Thousand Dollars (\$100,000.00), or
18 b. one hundred (100) tablets or thirty (30) grams of a
19 mixture or substance containing a detectable amount of
20 3,4-Methylenedioxy methamphetamine, such violation
21 shall be 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).
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1 D. Any person who violates the provisions of this section with
2 respect to a controlled substance specified in subsection A of this
3 section in a quantity specified in subsection C of this section
4 shall, in addition to any fines specified by this section, be
5 punishable by a term of imprisonment as follows:

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

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

14 3. If the person has previously been convicted of two or more
15 violations of this section or any provision of the Uniform
16 Controlled Dangerous Substances Act which constitutes a felony, or a
17 combination of such violations arising out of separate and distinct
18 transactions, not less than twenty (20) years to life imprisonment
19 or life without parole; and

20 4. If the person is convicted of aggravated trafficking as
21 provided in subparagraph b of paragraph 1 of subsection C of this
22 section, subparagraph c of paragraph 2 of subsection C of this
23 section or subparagraph c of paragraph 4 of subsection C of this
24 section, a mandatory minimum sentence of imprisonment in the custody

1 of the Department of Corrections for a term of fifteen (15) years of
2 which the person shall serve eighty-five percent (85%) of such
3 mandatory sentence before being eligible for parole consideration or
4 any earned credits.

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

14 Persons convicted of violations of this section shall not be
15 eligible for appeal bonds.

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

22 SECTION 2. This act shall become effective November 1, 2014.
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1 Passed the House of Representatives the 12th day of March, 2014.

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3 _____
4 Presiding Officer of the House
of Representatives

5 Passed the Senate the ____ day of _____, 2014.

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8 _____
9 Presiding Officer of the Senate