

SENATE CHAMBER
STATE OF OKLAHOMA

DISPOSITION

☐ FLOOR AMENDMENT

No. _____

☐ COMMITTEE AMENDMENT

(Date)

Mr./Madame President:

I move to amend Senate Bill No. 766, by substituting the attached floor substitute for the title, enacting clause and entire body of the measure.

Submitted by:

Senator Hicks

Hicks-BHG-FS-Req#1978
2/25/2019 9:12 AM

(Floor Amendments Only) Date and Time Filed: _____

☐ Untimely

☐ Amendment Cycle Extended

☐ Secondary Amendment

STATE OF OKLAHOMA

1st Session of the 57th Legislature (2019)

FLOOR SUBSTITUTE
FOR

SENATE BILL NO. 766

By: Hicks of the Senate

and

Dollens of the House

FLOOR SUBSTITUTE

[crimes and punishments - required service of
minimum percentage of sentence - penalties for
prohibited acts - fines and penalties - effective
date]

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

SECTION 1. AMENDATORY 21 O.S. 2011, Section 13.1, as
last amended by Section 1, Chapter 290, O.S.L. 2015 (21 O.S. Supp.
2018, Section 13.1), is amended to read as follows:

Section 13.1. Persons convicted of:

1. First degree murder as defined in Section 701.7 of this
title;

2. Second degree murder as defined by Section 701.8 of this
title;

3. Manslaughter in the first degree as defined by Section 711
of this title;

- 1 4. Poisoning with intent to kill as defined by Section 651 of
2 this title;
- 3 5. Shooting with intent to kill, use of a vehicle to facilitate
4 use of a firearm, crossbow or other weapon, assault, battery, or
5 assault and battery with a deadly weapon or by other means likely to
6 produce death or great bodily harm, as provided for in Section 652
7 of this title;
- 8 6. Assault with intent to kill as provided for in Section 653
9 of this title;
- 10 7. Conjoint robbery as defined by Section 800 of this title;
- 11 8. Robbery with a dangerous weapon as defined in Section 801 of
12 this title;
- 13 9. First degree robbery as defined in Section 797 of this
14 title;
- 15 10. First degree rape as provided for in Section 1111, 1114 or
16 1115 of this title;
- 17 11. First degree arson as defined in Section 1401 of this
18 title;
- 19 12. First degree burglary as provided for in Section 1436 of
20 this title;
- 21 13. Bombing as defined in Section 1767.1 of this title;
- 22 14. Any crime against a child provided for in Section 843.5 of
23 this title;
- 24 15. Forcible sodomy as defined in Section 888 of this title;

1 16. Child pornography or aggravated child pornography as
2 defined in Section 1021.2, 1021.3, 1024.1, 1024.2 or 1040.12a of
3 this title;

4 17. Child prostitution as defined in Section 1030 of this
5 title;

6 18. Lewd molestation of a child as defined in Section 1123 of
7 this title;

8 19. Abuse of a vulnerable adult as defined in Section 10-103 of
9 Title 43A of the Oklahoma Statutes who is a resident of a nursing
10 facility;

11 20. ~~Aggravated trafficking as provided for in subsection C of~~
12 ~~Section 2-415 of Title 63 of the Oklahoma Statutes;~~

13 ~~21.~~ Aggravated assault and battery upon any person defending
14 another person from assault and battery; or

15 ~~22.~~ 21. Human trafficking as provided for in Section 748 of
16 this title,

17 shall be required to serve not less than eighty-five percent (85%)
18 of any sentence of imprisonment imposed by the judicial system prior
19 to becoming eligible for consideration for parole. Persons
20 convicted of these offenses shall not be eligible for earned credits
21 or any other type of credits which have the effect of reducing the
22 length of the sentence to less than eighty-five percent (85%) of the
23 sentence imposed.
24

SECTION 2. AMENDATORY 63 O.S. 2011, Section 2-401, as last amended by Section 1, Chapter 130, O.S.L. 2018 (63 O.S. Supp. 2018, Section 2-401), is amended to read as follows:

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

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

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

3. To distribute any imitation controlled substance as defined by Section 2-101 of this title, except when authorized by the Food and Drug Administration of the United States Department of Health and Human Services.

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

1. A substance classified in Schedule I or II, except for marijuana, upon conviction, shall be guilty of transporting or possessing with an intent to distribute a controlled dangerous

1 substance, a felony, and shall be sentenced to a term of
2 imprisonment in the custody of the Department of Corrections for not
3 more than seven (7) years and a fine of not more than One Hundred
4 Thousand Dollars (\$100,000.00), which shall be in addition to other
5 punishment provided by law and shall not be imposed in lieu of other
6 punishment. A second conviction for the violation of provisions of
7 this paragraph is a felony punishable by a term of imprisonment in
8 the custody of the Department of Corrections for not more than
9 fourteen (14) years. A third or subsequent conviction for the
10 violation of the provisions of this paragraph is a felony punishable
11 by a term of imprisonment in the custody of the Department of
12 Corrections for not more than twenty (20) years;

13 2. Any other controlled dangerous substance classified in
14 Schedule III, IV, V or marijuana, upon conviction, shall be guilty
15 of a felony and shall be sentenced to a term of imprisonment in the
16 custody of the Department of Corrections for not more than five (5)
17 years and a fine of not more than Twenty Thousand Dollars
18 (\$20,000.00), which shall be in addition to other punishment
19 provided by law and shall not be imposed in lieu of other
20 punishment. A second conviction for the violation of the provisions
21 of this paragraph is a felony punishable by a term of imprisonment
22 in the custody of the Department of Corrections for not more than
23 ten (10) years. A third or subsequent conviction for the violation
24 of the provisions of this paragraph is a felony punishable by a term

1 of imprisonment in the custody of the Department of Corrections for
2 not more than fifteen (15) years; or

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

14 C. 1. Except when authorized by the Food and Drug
15 Administration of the United States Department of Health and Human
16 Services, it shall be unlawful for any person to manufacture or
17 distribute a controlled substance or synthetic controlled substance.

18 2. Any person convicted of violating the provisions of
19 paragraph 1 of this subsection with respect to distributing a
20 controlled substance is guilty of a felony and shall be punished by
21 imprisonment in the custody of the Department of Corrections for a
22 term not to exceed ten (10) years and a fine of not more than
23 Twenty-five Thousand Dollars (\$25,000.00), which shall be in
24

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

3 3. A second conviction for the violation of the provisions of
4 paragraph 1 of this subsection with respect to distributing a
5 controlled substance is a felony punishable by imprisonment in the
6 custody of the Department of Corrections for a term not less than
7 two (2) years nor more than twenty (20) years. A third or
8 subsequent conviction for the violation of the provisions of this
9 paragraph is a felony punishable by imprisonment in the custody of
10 the Department of Corrections for a term not less than ten (10)
11 years nor more than life.

12 4. Any person convicted of violating the provisions of
13 paragraph 1 of this subsection with respect to manufacturing a
14 controlled substance is guilty of a felony and shall be punished by
15 imprisonment in the custody of the Department of Corrections for a
16 term not to exceed ten (10) years and a fine of not more than
17 Twenty-five Thousand Dollars (\$25,000.00), which shall be in
18 addition to other punishment provided by law and shall not be
19 imposed in lieu of other punishment.

20 5. A second conviction for the violation of the provisions of
21 paragraph 1 of this subsection with respect to manufacturing a
22 controlled substance is a felony punishable by imprisonment in the
23 custody of the Department of Corrections for a term not less than
24 two (2) years nor more than twenty (20) years. A third or

1 subsequent conviction for the violation of the provisions of this
2 paragraph is a felony punishable by imprisonment in the custody of
3 the Department of Corrections for a term not less than ten (10)
4 years nor more than life.

5 D. Convictions for violations of the provisions of this section
6 shall be subject to the statutory provisions for suspended or
7 deferred sentences, or probation as provided in Section 991a of
8 Title 22 of the Oklahoma Statutes.

9 E. Any person who is at least eighteen (18) years of age and
10 who violates the provisions of this section by using or soliciting
11 the use of services of a person less than eighteen (18) years of age
12 to distribute, dispense, transport with intent to distribute or
13 dispense or cultivate a controlled dangerous substance or by
14 distributing a controlled dangerous substance to a person under
15 eighteen (18) years of age, or in the presence of a person under
16 twelve (12) years of age, is punishable by:

17 1. For a first violation of this section, a term of
18 imprisonment in the custody of the Department of Corrections not
19 less than two (2) years nor more than ten (10) years;

20 2. For a second violation of this section, a term of
21 imprisonment in the custody of the Department of Corrections for not
22 less than four (4) years nor more than twenty (20) years; or
23
24

1 3. For a third or subsequent violation of this section, a term
2 of imprisonment in the custody of the Department of Corrections for
3 not less than ten (10) years nor more than life.

4 F. Any person who violates any provision of this section by
5 transporting with intent to distribute or dispense, distributing or
6 possessing with intent to distribute a controlled dangerous
7 substance to a person, or violation of subsection G of this section,
8 in or on, or within two thousand (2,000) feet of the real property
9 comprising a public or private elementary or secondary school,
10 public vocational school, public or private college or university,
11 or other institution of higher education, recreation center or
12 public park, including state parks and recreation areas, public
13 housing project, or child care facility as defined by Section 402 of
14 Title 10 of the Oklahoma Statutes, shall be punished by:

15 1. For a first offense, a term of imprisonment in the custody
16 of the Department of Corrections, or by the imposition of a fine or
17 by both, not exceeding twice that authorized by the appropriate
18 provision of this section; or

19 2. For a second or subsequent violation of this section, a term
20 of imprisonment in the custody of the Department of Corrections, or
21 by the imposition of a fine or by both, not exceeding thrice that
22 authorized by the appropriate provision of this section.

23 Convictions for second and subsequent violations of the provisions
24

1 of this section shall not be subject to statutory provisions of
2 suspended sentences, deferred sentences or probation.

3 G. 1. Except as authorized by the Uniform Controlled Dangerous
4 Substances Act, it shall be unlawful for any person to manufacture
5 or attempt to manufacture any controlled dangerous substance or
6 possess any substance listed in Section 2-322 of this title or any
7 substance containing any detectable amount of pseudoephedrine or its
8 salts, optical isomers or salts of optical isomers, iodine or its
9 salts, optical isomers or salts of optical isomers, hydriodic acid,
10 sodium metal, lithium metal, anhydrous ammonia, phosphorus, or
11 organic solvents with the intent to use that substance to
12 manufacture a controlled dangerous substance.

13 2. Any person violating the provisions of this subsection with
14 respect to the unlawful manufacturing or attempting to unlawfully
15 manufacture any controlled dangerous substance, or possessing any
16 substance listed in this subsection or Section 2-322 of this title,
17 upon conviction, is guilty of a felony and shall be punished by
18 imprisonment for not less than seven (7) years nor more than life
19 and by a fine of not less than Fifty Thousand Dollars (\$50,000.00),
20 which shall be in addition to other punishment provided by law and
21 shall not be imposed in lieu of other punishment. The possession of
22 any amount of anhydrous ammonia in an unauthorized container shall
23 be prima facie evidence of intent to use such substance to
24 manufacture a controlled dangerous substance.

1 3. Any person violating the provisions of this subsection with
2 respect to the unlawful manufacturing or attempting to unlawfully
3 manufacture any controlled dangerous substance in the following
4 amounts:

5 a. one (1) kilogram or more of a mixture or substance
6 containing a detectable amount of heroin,

7 b. five (5) kilograms or more of a mixture or substance
8 containing a detectable amount of:

9 (1) coca leaves, except coca leaves and extracts of
10 coca leaves from which cocaine, ecgonine, and
11 derivatives of ecgonine or their salts have been
12 removed,

13 (2) cocaine, its salts, optical and geometric
14 isomers, and salts of isomers,

15 (3) ecgonine, its derivatives, their salts, isomers,
16 and salts of isomers, or

17 (4) any compound, mixture, or preparation which
18 contains any quantity of any of the substances
19 referred to in divisions (1) through (3) of this
20 subparagraph,

21 c. fifty (50) grams or more of a mixture or substance
22 described in division (2) of subparagraph b of this
23 paragraph which contains cocaine base,
24

- d. one hundred (100) grams or more of phencyclidine (PCP) or 1 kilogram or more of a mixture or substance containing a detectable amount of phencyclidine (PCP),
- e. ten (10) grams or more of a mixture or substance containing a detectable amount of lysergic acid diethylamide (LSD),
- f. four hundred (400) grams or more of a mixture or substance containing a detectable amount of N-phenyl-N-[1-(2-phenylethyl)-4-piperidinyl] propanamide or 100 grams or more of a mixture or substance containing a detectable amount of any analogue of N-phenyl-N-[1-(2-phenylethyl)-4-piperidinyl] propanamide,
- g. one thousand (1,000) kilograms or more of a mixture or substance containing a detectable amount of marihuana or one thousand (1000) or more marihuana plants regardless of weight, or
- h. fifty (50) grams or more of methamphetamine, its salts, isomers, and salts of its isomers or 500 grams or more of a mixture or substance containing a detectable amount of methamphetamine, its salts, isomers, or salts of its isomers,

upon conviction, is guilty of aggravated manufacturing a controlled dangerous substance punishable by imprisonment for not less than twenty (20) years nor more than life and by a fine of not less than

1 Fifty Thousand Dollars (\$50,000.00), which shall be in addition to
2 other punishment provided by law and shall not be imposed in lieu of
3 other punishment. Any person convicted of a violation of the
4 provisions of this paragraph shall be required to serve a minimum of
5 ~~eighty-five percent (85%)~~ sixty-five percent (65%) of the sentence
6 received prior to becoming eligible for state correctional earned
7 credits towards the completion of the sentence or eligible for
8 parole.

9 4. Any sentence to the custody of the Department of Corrections
10 for any violation of paragraph 3 of this subsection shall not be
11 subject to statutory provisions for suspended sentences, deferred
12 sentences, or probation. A person convicted of a second or
13 subsequent violation of the provisions of paragraph 3 of this
14 subsection shall be punished as a habitual offender pursuant to
15 Section 51.1 of Title 21 of the Oklahoma Statutes and shall be
16 required to serve a minimum of ~~eighty-five percent (85%)~~ sixty-five
17 percent (65%) of the sentence received prior to becoming eligible
18 for state correctional earned credits or eligibility for parole.

19 5. Any person who has been convicted of manufacturing or
20 attempting to manufacture methamphetamine pursuant to the provisions
21 of this subsection and who, after such conviction, purchases or
22 attempts to purchase, receive or otherwise acquire any product,
23 mixture, or preparation containing any detectable quantity of base
24 pseudoephedrine or ephedrine shall, upon conviction, be guilty of a

1 felony punishable by imprisonment in the custody of the Department
2 of Corrections for a term in the range of twice the minimum term
3 provided for in paragraph 2 of this subsection.

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

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

15 J. For purposes of this section, "public housing project" means
16 any dwelling or accommodations operated as a state or federally
17 subsidized multifamily housing project by any housing authority,
18 nonprofit corporation or municipal developer or housing projects
19 created pursuant to the Oklahoma Housing Authorities Act.

20 K. When a person is found guilty of a violation of the
21 provisions of this section, the court shall order, in addition to
22 any other penalty, the defendant to pay a one-hundred-dollar
23 assessment to be deposited in the Drug Abuse Education and Treatment
24

1 Revolving Fund created in Section 2-503.2 of this title, upon
2 collection.

3 L. Any person convicted of a second or subsequent felony
4 violation of the provisions of this section, except for paragraphs 1
5 and 2 of subsection B of this section, paragraphs 2, 3, 4 and 5 of
6 subsection C of this section, paragraphs 1, 2, and 3 of subsection E
7 of this section and paragraphs 1 and 2 of subsection F of this
8 section, shall be punished as a habitual offender pursuant to
9 Section 51.1 of Title 21 of the Oklahoma Statutes.

10 SECTION 3. AMENDATORY 63 O.S. 2011, Section 2-415, as
11 last amended by Section 2, Chapter 130, O.S.L. 2018 (63 O.S. Supp.
12 2018, Section 2-415), is amended to read as follows:

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

- 16 1. Marihuana;
- 17 2. Cocaine or coca leaves;
- 18 3. Heroin;
- 19 4. Amphetamine or methamphetamine;
- 20 5. Lysergic acid diethylamide (LSD);
- 21 6. Phencyclidine (PCP);
- 22 7. Cocaine base, commonly known as "crack" or "rock";
- 23 8. 3,4-Methylenedioxy methamphetamine, commonly known as
24 "ecstasy" or MDMA;

- 1 9. Morphine;
- 2 10. Oxycodone;
- 3 11. Hydrocodone; or
- 4 12. Benzodiazepine.

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

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

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

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

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

22 Any person who commits the conduct described in paragraph 1, 2
23 or 3 of this subsection and represents the quantity of the
24 controlled substance to be an amount described in subsection C of

1 this section shall be punished under the provisions appropriate for
2 the amount of controlled substance represented, regardless of the
3 actual amount.

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

6 1. Marihuana:

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

18 2. Cocaine, coca leaves or cocaine base:

- 19 a. twenty-eight (28) grams or more of a mixture or
20 substance containing a detectable amount of cocaine,
21 coca leaves or cocaine base 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,
3 coca leaves or cocaine base 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,
9 coca leaves or cocaine base 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 shall be
16 punishable by a fine of not less than Twenty-five
17 Thousand Dollars (\$25,000.00) and not more than Fifty
18 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 shall 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);

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 shall be punishable by a fine of not
4 less than Twenty-five Thousand Dollars (\$25,000.00)
5 and not more than Two Hundred Thousand Dollars
6 (\$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 shall be punishable by
10 a fine of not less than Fifty Thousand Dollars
11 (\$50,000.00) and not more than Five Hundred Thousand
12 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 shall be deemed
16 aggravated trafficking punishable by a fine of not
17 less than Fifty Thousand Dollars (\$50,000.00) and not
18 more than Five Hundred Thousand Dollars (\$500,000.00);

19 5. Lysergic acid diethylamide (LSD):

20 a. one (1) gram or more of a mixture or substance
21 containing a detectable amount of lysergic acid
22 diethylamide (LSD) shall be punishable by a fine of
23 not less than Fifty Thousand Dollars (\$50,000.00) and
24

1 not more than One Hundred Thousand Dollars

2 (\$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) shall be punishable by a fine of
6 not less than One Hundred Thousand Dollars
7 (\$100,000.00) and not more than Two Hundred Fifty
8 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) shall be punishable by a fine of
13 not less than Twenty Thousand Dollars (\$20,000.00) and
14 not more than Fifty Thousand Dollars (\$50,000.00), or
15 b. one hundred fifty (150) grams or more of a substance
16 containing a mixture or substance containing a
17 detectable amount of phencyclidine (PCP) shall be
18 punishable by a fine of not less than Fifty Thousand
19 Dollars (\$50,000.00) and not more than Two Hundred
20 Fifty Thousand Dollars (\$250,000.00);

21 7. Methylenedioxy methamphetamine:

- 22 a. thirty (30) tablets or ten (10) grams of a mixture or
23 substance containing a detectable amount of 3,4-
24 Methylenedioxy methamphetamine shall be trafficking

1 punishable by a term of imprisonment in the custody of
2 the Department of Corrections not to exceed twenty
3 (20) years and by a fine of not less than Twenty-five
4 Thousand Dollars (\$25,000.00) and not more than One
5 Hundred Thousand Dollars (\$100,000.00), or

6 b. one hundred (100) tablets or thirty (30) grams of a
7 mixture or substance containing a detectable amount of
8 3,4-Methylenedioxy methamphetamine shall be aggravated
9 trafficking punishable by a term of imprisonment in
10 the custody of the Department of Corrections of not
11 less than two (2) years nor more than life by a fine
12 of not less than One Hundred Thousand Dollars
13 (\$100,000.00) and not more than Five Hundred Thousand
14 Dollars (\$500,000.00);

15 8. Morphine: One thousand (1,000) grams or more of a mixture
16 containing a detectable amount of morphine shall be trafficking
17 punishable by a term of imprisonment in the custody of the
18 Department of Corrections not to exceed twenty (20) years and 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 9. Oxycodone: Four hundred (400) grams or more of a mixture
22 containing a detectable amount of oxycodone shall be trafficking
23 punishable by a term of imprisonment in the custody of the
24 Department of Corrections not to exceed twenty (20) years and by a

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

3 10. Hydrocodone: Three thousand seven hundred and fifty
4 (3,750) grams or more of a mixture containing a detectable amount of
5 hydrocodone shall be trafficking punishable by a term of
6 imprisonment in the custody of the Department of Corrections not to
7 exceed twenty (20) years and by a fine of not less than One Hundred
8 Thousand Dollars (\$100,000.00) and not more than Five Hundred
9 Thousand Dollars (\$500,000.00); and

10 11. Benzodiazepine: Five hundred (500) grams or more of a
11 mixture containing a detectable amount of benzodiazepine shall be
12 trafficking punishable by a term of imprisonment not to exceed
13 twenty (20) years and by a fine of not less than One Hundred
14 Thousand Dollars (\$100,000.00) and not more than Five Hundred
15 Thousand Dollars (\$500,000.00).

16 D. Any person who violates the provisions of this section with
17 respect to a marihuana, cocaine, coca leaves, cocaine base, heroin,
18 amphetamine or methamphetamine in a quantity specified in paragraphs
19 1, 2, 3 and 4 of subsection C of this section shall, in addition to
20 any fines specified by this section, be punishable by a term of
21 imprisonment as follows:

22 1. For trafficking, a first violation of this section, a term
23 of imprisonment in the custody of the Department of Corrections not
24 to exceed twenty (20) years;

1 2. For trafficking, a second violation of this section, a term
2 of imprisonment in the Department of Corrections of not less than
3 four (4) years nor more than life, for which the person shall serve
4 fifty percent (50%) of the sentence before being eligible for parole
5 consideration;

6 3. For trafficking, a third or subsequent violation of this
7 section, a term of imprisonment in the custody of the Department of
8 Corrections of not less than twenty (20) years nor more than life,
9 of which the person shall serve fifty percent (50%) of the sentence
10 before being eligible for parole consideration.

11 Persons convicted of trafficking shall not be eligible for
12 earned credits or any other type of credits which have the effect of
13 reducing the length of sentence to less than fifty percent (50%) of
14 the sentence imposed; and

15 If the person is convicted of aggravated trafficking as provided
16 in subparagraph b of paragraph 1 of subsection C of this section,
17 subparagraph c of paragraph 2 of subsection C of this section or
18 subparagraph c of paragraph 4 of subsection C of this section, a
19 sentence of imprisonment in the custody of the Department of
20 Corrections as provided in paragraphs 1, 2 and 3 of subsection D of
21 this section, of which the person shall serve ~~eighty-five percent~~
22 ~~(85%)~~ sixty-five percent (65%) of such sentence before being
23 eligible for parole consideration.

1 F. The penalties specified in subsections C and D of this
2 section are subject to the enhancements enumerated in subsections E
3 and F of Section 2-401 of this title.

4 G. 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 1-2530.9 of this title and the assessment pursuant to
9 Section 2-503.2 of this title.

10 SECTION 4. This act shall become effective November 1, 2019.

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12 57-1-1978 BHG 2/25/2019 9:12:16 AM

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