

1 ENGROSSED HOUSE  
2 BILL NO. 3462

By: Grego and Bashore of the  
House

3 and

4 Weaver of the Senate

5  
6  
7  
8 [ public health and safety - decreasing quantity for  
9 certain controlled dangerous substance - effective  
10 date ]  
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13 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

14 SECTION 1. AMENDATORY 63 O.S. 2021, Section 2-415, is  
15 amended to read as follows:

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

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

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

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

4        9. Morphine;

5        10. Oxycodone;

6        11. Hydrocodone;

7        12. Benzodiazepine; or

8        13. Fentanyl and its analogs and derivatives.

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

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

14        2. Possess any controlled substance with the intent to  
15 manufacture a controlled substance specified in subsection A of this  
16 section in quantities specified in subsection C of this section; or

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

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

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

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

11 1. Marijuana:

- 12 a. twenty-five (25) pounds or more of a mixture or  
13 substance containing a detectable amount of marijuana  
14 shall be punishable by a fine of not less than Twenty-  
15 five Thousand Dollars (\$25,000.00) and not more than  
16 One Hundred Thousand Dollars (\$100,000.00), or  
17 b. one thousand (1,000) pounds or more of a mixture or  
18 substance containing a detectable amount of marijuana  
19 shall be deemed aggravated trafficking punishable by a  
20 fine of not less than One Hundred Thousand Dollars  
21 (\$100,000.00) and not more than Five Hundred Thousand  
22 Dollars (\$500,000.00);

23 2. Cocaine, coca leaves or cocaine base:  
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- 1           a.    twenty-eight (28) 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 Twenty-five Thousand Dollars  
5                    (\$25,000.00) and not more than One Hundred Thousand  
6                    Dollars (\$100,000.00),
- 7           b.    three hundred (300) grams or more of a mixture or  
8                    substance containing a detectable amount of cocaine,  
9                    coca leaves or cocaine base shall be punishable by a  
10                  fine of not less than One Hundred Thousand Dollars  
11                  (\$100,000.00) 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 cocaine,  
15                  coca leaves or cocaine base shall be deemed aggravated  
16                  trafficking punishable by a fine of not less than One  
17                  Hundred Thousand Dollars (\$100,000.00) and not more  
18                  than Five Hundred Thousand Dollars (\$500,000.00);

19    3.   Heroin:

- 20          a.    ten (10) grams or more of a mixture or substance  
21                  containing a detectable amount of heroin shall be  
22                  punishable by a fine of not less than Twenty-five  
23                  Thousand Dollars (\$25,000.00) and not more than Fifty  
24                  Thousand Dollars (\$50,000.00), or

1           b.   twenty-eight (28) grams or more of a mixture or  
2                substance containing a detectable amount of heroin  
3                shall be deemed aggravated trafficking punishable by a  
4                fine of not less than Fifty Thousand Dollars  
5                (\$50,000.00) and not more than Five Hundred Thousand  
6                Dollars (\$500,000.00);

7   4.   Amphetamine or methamphetamine:

8           a.   ~~twenty (20)~~ ten (10) grams or more of a mixture or  
9                substance containing a detectable amount of  
10              amphetamine or methamphetamine shall be punishable by  
11              a fine of not less than Twenty-five Thousand Dollars  
12              (\$25,000.00) and not more than Two Hundred Thousand  
13              Dollars (\$200,000.00),

14          b.   two hundred (200) grams or more of a mixture or  
15                substance containing a detectable amount of  
16                amphetamine or methamphetamine shall be punishable by  
17                a fine of not less than Fifty Thousand Dollars  
18                (\$50,000.00) and not more than Five Hundred Thousand  
19                Dollars (\$500,000.00), or

20          c.   four hundred fifty (450) grams or more of a mixture or  
21                substance containing a detectable amount of  
22                amphetamine or methamphetamine shall be deemed  
23                aggravated trafficking punishable by a fine of not  
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1 less than Fifty Thousand Dollars (\$50,000.00) and not  
2 more than Five Hundred Thousand Dollars (\$500,000.00);

3 5. Lysergic acid diethylamide (LSD):

- 4 a. one (1) gram or more of a mixture or substance  
5 containing a detectable amount of lysergic acid  
6 diethylamide (LSD) shall be trafficking punishable by  
7 a term of imprisonment in the custody of the  
8 Department of Corrections not to exceed twenty (20)  
9 years and by a fine of not less than Fifty Thousand  
10 Dollars (\$50,000.00) and not more than One Hundred  
11 Thousand Dollars (\$100,000.00), or  
12 b. ten (10) grams or more of a mixture or substance  
13 containing a detectable amount of lysergic acid  
14 diethylamide (LSD) shall be aggravated trafficking  
15 punishable by a term of imprisonment in the custody of  
16 the Department of Corrections of not less than two (2)  
17 years nor more than life and by a fine of not less  
18 than One Hundred Thousand Dollars (\$100,000.00) and  
19 not more than Two Hundred Fifty Thousand Dollars  
20 (\$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) shall be trafficking punishable by

1 a term of imprisonment in the custody of the  
2 Department of Corrections not to exceed twenty (20)  
3 years and by a fine of not less than Twenty Thousand  
4 Dollars (\$20,000.00) and not more than Fifty Thousand  
5 Dollars (\$50,000.00), or

6 b. one hundred fifty (150) grams or more of a substance  
7 containing a mixture or substance containing a  
8 detectable amount of phencyclidine (PCP) shall be  
9 aggravated trafficking punishable by a term of  
10 imprisonment in the custody of the Department of  
11 Corrections of not less than two (2) years nor more  
12 than life and by a fine of not less than Fifty  
13 Thousand Dollars (\$50,000.00) and not more than Two  
14 Hundred Fifty Thousand Dollars (\$250,000.00);

15 7. Methylenedioxy methamphetamine:

16 a. thirty (30) tablets or ten (10) grams of a mixture or  
17 substance containing a detectable amount of 3,4-  
18 Methylenedioxy methamphetamine shall be trafficking  
19 punishable by a term of imprisonment in the custody of  
20 the Department of Corrections not to exceed twenty  
21 (20) years and by a fine of not less than Twenty-five  
22 Thousand Dollars (\$25,000.00) and not more than One  
23 Hundred Thousand Dollars (\$100,000.00), or  
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b. one hundred (100) tablets or thirty (30) grams of a mixture or substance containing a detectable amount of 3,4-Methylenedioxy methamphetamine shall be deemed aggravated trafficking punishable by a term of imprisonment in the custody of the Department of Corrections of not less than two (2) years nor more than life by a fine of not less than One Hundred Thousand Dollars (\$100,000.00) and not more than Five Hundred Thousand Dollars (\$500,000.00);

8. Morphine: One thousand (1,000) grams or more of a mixture containing a detectable amount of morphine shall be trafficking punishable by a term of imprisonment in the custody of the Department of Corrections not to exceed twenty (20) years and by a fine of not less than One Hundred Thousand Dollars (\$100,000.00) and not more than Five Hundred Thousand Dollars (\$500,000.00);

9. Oxycodone: Four hundred (400) grams or more of a mixture containing a detectable amount of oxycodone shall be trafficking punishable by a term of imprisonment in the custody of the Department of Corrections not to exceed twenty (20) years and by a fine of not less than One Hundred Thousand Dollars (\$100,000.00) and not more than Five Hundred Thousand Dollars (\$500,000.00);

10. Hydrocodone: Three thousand seven hundred fifty (3,750) grams or more of a mixture containing a detectable amount of hydrocodone shall be trafficking punishable by a term of



1 imprisonment in the custody of the Department of Corrections not to  
2 exceed twenty (20) years and by a fine of not less than One Hundred  
3 Thousand Dollars (\$100,000.00) and not more than Five Hundred  
4 Thousand Dollars (\$500,000.00);

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

11 12. Fentanyl and its analogs and derivatives:

- 12 a. one (1) gram or more of a mixture containing fentanyl  
13 or carfentanil, or any fentanyl analogs or derivatives  
14 shall be trafficking punishable by a term of  
15 imprisonment in the custody of the Department of  
16 Corrections not to exceed twenty (20) years and by a  
17 fine of not less than One Hundred Thousand Dollars  
18 (\$100,000.00) and not more than Two Hundred Fifty  
19 Thousand Dollars (\$250,000.00), or  
20 b. five (5) grams or more of a mixture containing  
21 fentanyl or carfentanil, or any fentanyl analogs or  
22 derivatives shall be aggravated trafficking punishable  
23 by a term of imprisonment in the custody of the  
24 Department of Corrections of not less than two (2)

1                   years nor more than life and by a fine of not less  
2                   than Two Hundred Fifty Thousand Dollars (\$250,000.00)  
3                   and not more than Five Hundred Thousand Dollars  
4                   (\$500,000.00) .

5           D. Any person who violates the provisions of this section with  
6   respect to marijuana, cocaine, coca leaves, cocaine base, heroin,  
7   amphetamine or methamphetamine in a quantity specified in paragraphs  
8   1, 2, 3 and 4 of subsection C of this section shall, in addition to  
9   any fines specified by this section, be punishable by a term of  
10  imprisonment as follows:

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

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

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

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

5       If the person is convicted of aggravated trafficking, the person  
6 shall serve eighty-five percent (85%) of such sentence before being  
7 eligible for parole consideration.

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

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

17       SECTION 2. This act shall become effective November 1, 2022.  
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1 Passed the House of Representatives the 9th day of March, 2022.

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3 \_\_\_\_\_  
4 Presiding Officer of the House  
of Representatives

5 Passed the Senate the \_\_\_\_ day of \_\_\_\_\_, 2022.

6  
7 \_\_\_\_\_  
8 Presiding Officer of the Senate