

1 STATE OF OKLAHOMA

2 2nd Session of the 58th Legislature (2022)

3 HOUSE BILL 3747

By: Lowe (Jason)

4
5
6 AS INTRODUCED

7 An Act relating to penalties for drug offenses;
8 amending 63 O.S. 2021, Sections 2-401, 2-407, 2-415
9 and 2-503.1, which relate to the Uniform Controlled
10 Dangerous Substances Act; removing minimum mandatory
11 penalties for certain drug offenses; and providing an
12 effective date.

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

14 SECTION 1. AMENDATORY 63 O.S. 2021, Section 2-401, is
15 amended to read as follows:

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

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

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

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

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

10 1. A substance classified in Schedule I or II, except for
11 marijuana, upon conviction, shall be guilty of transporting or
12 possessing with an intent to distribute a controlled dangerous
13 substance, a felony, and shall be sentenced to a term of
14 imprisonment in the custody of the Department of Corrections for not
15 more than seven (7) years and a fine of not more than One Hundred
16 Thousand Dollars (\$100,000.00), which shall be in addition to other
17 punishment provided by law and shall not be imposed in lieu of other
18 punishment. A second conviction for the violation of provisions of
19 this paragraph is a felony punishable by a term of imprisonment in
20 the custody of the Department of Corrections for not more than
21 fourteen (14) years. A third or subsequent conviction for the
22 violation of the provisions of this paragraph is a felony punishable
23 by a term of imprisonment in the custody of the Department of
24 Corrections for not more than twenty (20) years;

1 2. Any other controlled dangerous substance classified in
2 Schedule III, IV, V or marijuana, upon conviction, shall be guilty
3 of a felony and shall be sentenced to a term of imprisonment in the
4 custody of the Department of Corrections for not more than five (5)
5 years and a fine of not more than Twenty Thousand Dollars
6 (\$20,000.00), which shall be in addition to other punishment
7 provided by law and shall not be imposed in lieu of other
8 punishment. A second conviction for the violation of the provisions
9 of this paragraph is a felony punishable by a term of imprisonment
10 in the custody of the Department of Corrections for not more than
11 ten (10) years. A third or subsequent conviction for the violation
12 of the provisions of this paragraph is a felony punishable by a term
13 of imprisonment in the custody of the Department of Corrections for
14 not more than fifteen (15) years; or

15 3. An imitation controlled substance as defined by Section 2-
16 101 of this title, upon conviction, shall be guilty of a misdemeanor
17 and shall be sentenced to a term of imprisonment in the county jail
18 for a period of not more than one (1) year and a fine of not more
19 than One Thousand Dollars (\$1,000.00). A person convicted of a
20 second violation of the provisions of this paragraph shall be guilty
21 of a felony and shall be sentenced to a term of imprisonment in the
22 custody of the Department of Corrections for not more than two (2)
23 years and a fine of not more than Five Thousand Dollars (\$5,000.00),
24

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

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

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

15 3. A second conviction for the violation of the provisions of
16 paragraph 1 of this subsection with respect to distributing a
17 controlled substance is a felony punishable by imprisonment in the
18 custody of the Department of Corrections for a term not ~~less than~~
19 ~~two (2) years nor more than~~ to exceed twenty (20) years. A third or
20 subsequent conviction for the violation of the provisions of this
21 paragraph is a felony punishable by imprisonment in the custody of
22 the Department of Corrections for a term not ~~less than ten (10)~~
23 ~~years nor more than~~ to exceed life.

24

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

9 5. A second conviction for the violation of the provisions of
10 paragraph 1 of this subsection with respect to manufacturing a
11 controlled substance is a felony punishable by imprisonment in the
12 custody of the Department of Corrections for a term not ~~less than~~
13 ~~two (2) years nor more than~~ to exceed twenty (20) years. A third or
14 subsequent conviction for the violation of the provisions of this
15 paragraph is a felony punishable by imprisonment in the custody of
16 the Department of Corrections for a term not ~~less than ten (10)~~
17 ~~years nor more than~~ to exceed life.

18 D. Convictions for violations of the provisions of this section
19 shall be subject to the statutory provisions for suspended or
20 deferred sentences, or probation as provided in Section 991a of
21 Title 22 of the Oklahoma Statutes.

22 E. Any person who is at least eighteen (18) years of age and
23 who violates the provisions of this section by using or soliciting
24 the use of services of a person less than eighteen (18) years of age

1 to distribute, dispense, transport with intent to distribute or
2 dispense or cultivate a controlled dangerous substance or by
3 distributing a controlled dangerous substance to a person under
4 eighteen (18) years of age, or in the presence of a person under
5 twelve (12) years of age, is punishable by:

6 1. For a first violation of this section, a term of
7 imprisonment in the custody of the Department of Corrections not
8 ~~less than two (2) years nor more than~~ to exceed ten (10) years;

9 2. For a second violation of this section, a term of
10 imprisonment in the custody of the Department of Corrections ~~for~~ not
11 ~~less than four (4) years nor more than~~ to exceed twenty (20) years;
12 or

13 3. For a third or subsequent violation of this section, a term
14 of imprisonment in the custody of the Department of Corrections ~~for~~
15 not ~~less than ten (10) years nor more than~~ to exceed life.

16 F. Any person who violates any provision of this section by
17 transporting with intent to distribute or dispense, distributing or
18 possessing with intent to distribute a controlled dangerous
19 substance to a person, or violation of subsection G of this section,
20 in or on, or within two thousand (2,000) feet of the real property
21 comprising a public or private elementary or secondary school,
22 public vocational school, public or private college or university,
23 or other institution of higher education, recreation center or
24 public park, including state parks and recreation areas, public

1 housing project, or child care facility as defined by Section 402 of
2 Title 10 of the Oklahoma Statutes, shall be punished by:

3 1. For a first offense, a term of imprisonment in the custody
4 of the Department of Corrections, or by the imposition of a fine or
5 by both, not exceeding twice that authorized by the appropriate
6 provision of this section; or

7 2. For a second or subsequent violation of this section, a term
8 of imprisonment in the custody of the Department of Corrections, or
9 by the imposition of a fine or by both, not exceeding thrice that
10 authorized by the appropriate provision of this section.

11 Convictions for second and subsequent violations of the provisions
12 of this section shall not be subject to statutory provisions of
13 suspended sentences, deferred sentences or probation.

14 G. 1. Except as authorized by the Uniform Controlled Dangerous
15 Substances Act, it shall be unlawful for any person to manufacture
16 or attempt to manufacture any controlled dangerous substance or
17 possess any substance listed in Section 2-322 of this title or any
18 substance containing any detectable amount of pseudoephedrine or its
19 salts, optical isomers or salts of optical isomers, iodine or its
20 salts, optical isomers or salts of optical isomers, hydriodic acid,
21 sodium metal, lithium metal, anhydrous ammonia, phosphorus, or
22 organic solvents with the intent to use that substance to
23 manufacture a controlled dangerous substance.

24

1 2. 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, or possessing any
4 substance listed in this subsection or Section 2-322 of this title,
5 upon conviction, is guilty of a felony and shall be punished by
6 imprisonment for a term not ~~less than seven (7) years nor more than~~
7 to exceed life and by a fine of not less than Fifty Thousand Dollars
8 (\$50,000.00), which shall be in addition to other punishment
9 provided by law and shall not be imposed in lieu of other
10 punishment. The possession of any amount of anhydrous ammonia in an
11 unauthorized container shall be prima facie evidence of intent to
12 use such substance to manufacture a controlled dangerous substance.

13 3. 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 in the following
16 amounts:

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

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

21 (1) coca leaves, except coca leaves and extracts of
22 coca leaves from which cocaine, ecgonine, and
23 derivatives of ecgonine or their salts have been
24 removed,

1 (2) cocaine, its salts, optical and geometric
2 isomers, and salts of isomers,
3 (3) ecgonine, its derivatives, their salts, isomers,
4 and salts of isomers, or
5 (4) any compound, mixture, or preparation which
6 contains any quantity of any of the substances
7 referred to in divisions (1) through (3) of this
8 subparagraph,

9 c. fifty (50) grams or more of a mixture or substance
10 described in division (2) of subparagraph b of this
11 paragraph which contains cocaine base,

12 d. one hundred (100) grams or more of phencyclidine (PCP)
13 or 1 kilogram or more of a mixture or substance
14 containing a detectable amount of phencyclidine (PCP),

15 e. ten (10) grams or more of a mixture or substance
16 containing a detectable amount of lysergic acid
17 diethylamide (LSD),

18 f. four hundred (400) grams or more of a mixture or
19 substance containing a detectable amount of N-phenyl-
20 N-[1-(2-phenylethyl)-4-piperidinyl] propanamide or 100
21 grams or more of a mixture or substance containing a
22 detectable amount of any analogue of N-phenyl-N-[1-(2-
23 phenylethyl)-4-piperidinyl] propanamide,
24

1 g. one thousand (1,000) kilograms or more of a mixture or
2 substance containing a detectable amount of marihuana
3 or one thousand (1000) or more marihuana plants
4 regardless of weight, or

5 h. fifty (50) grams or more of methamphetamine, its
6 salts, isomers, and salts of its isomers or 500 grams
7 or more of a mixture or substance containing a
8 detectable amount of methamphetamine, its salts,
9 isomers, or salts of its isomers,

10 upon conviction, is guilty of aggravated manufacturing a controlled
11 dangerous substance punishable by imprisonment for not less than
12 twenty (20) years nor more than life and by a fine of not less than
13 Fifty Thousand Dollars (\$50,000.00), which shall be in addition to
14 other punishment provided by law and shall not be imposed in lieu of
15 other punishment. Any person convicted of a violation of the
16 provisions of this paragraph shall be required to serve a minimum of
17 eighty-five percent (85%) of the sentence received prior to becoming
18 eligible for state correctional earned credits towards the
19 completion of the sentence or eligible for parole.

20 4. Any sentence to the custody of the Department of Corrections
21 for any violation of paragraph 3 of this subsection shall not be
22 subject to statutory provisions for suspended sentences, deferred
23 sentences, or probation. A person convicted of a second or
24 subsequent violation of the provisions of paragraph 3 of this

1 subsection shall be punished as a habitual offender pursuant to
2 Section 51.1 of Title 21 of the Oklahoma Statutes and shall be
3 required to serve a minimum of eighty-five percent (85%) of the
4 sentence received prior to becoming eligible for state correctional
5 earned credits or eligibility for parole.

6 5. Any person who has been convicted of manufacturing or
7 attempting to manufacture methamphetamine pursuant to the provisions
8 of this subsection and who, after such conviction, purchases or
9 attempts to purchase, receive or otherwise acquire any product,
10 mixture, or preparation containing any detectable quantity of base
11 pseudoephedrine or ephedrine shall, upon conviction, be guilty of a
12 felony punishable by imprisonment in the custody of the Department
13 of Corrections for a term ~~in the range of twice the minimum term~~
14 ~~provided for in paragraph 2 of this subsection~~ not to exceed life.

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

21 I. Any person convicted of any offense described in this
22 section shall, in addition to any fine imposed, pay a special
23 assessment trauma-care fee of One Hundred Dollars (\$100.00) to be
24

1 deposited into the Trauma Care Assistance Revolving Fund created in
2 Section ~~1-2522~~ 1-2530.9 of this title.

3 J. For purposes of this section, "public housing project" means
4 any dwelling or accommodations operated as a state or federally
5 subsidized multifamily housing project by any housing authority,
6 nonprofit corporation or municipal developer or housing projects
7 created pursuant to the Oklahoma Housing Authorities Act.

8 K. When a person is found guilty of a violation of the
9 provisions of this section, the court shall order, in addition to
10 any other penalty, the defendant to pay a one-hundred-dollar
11 assessment to be deposited in the Drug Abuse Education and Treatment
12 Revolving Fund created in Section 2-503.2 of this title, upon
13 collection.

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

21 SECTION 2. AMENDATORY 63 O.S. 2021, Section 2-407, is
22 amended to read as follows:

23 Section 2-407. A. No person shall obtain or attempt to obtain
24 any preparation excepted from the provisions of the Uniform

1 Controlled Dangerous Substances Act pursuant to Section 2-313 of
2 this title in a manner inconsistent with the provisions of paragraph
3 1 of subsection B of Section 2-313 of this title, or a controlled
4 dangerous substance or procure or attempt to procure the
5 administration of a controlled dangerous substance:

6 1. By fraud, deceit, misrepresentation, or subterfuge;

7 2. By the forgery of, alteration of, adding any information to
8 or changing any information on a prescription or of any written
9 order;

10 3. By the concealment of a material fact;

11 4. By the use of a false name or the giving of a false address;
12 or

13 5. By knowingly failing to disclose the receipt of a controlled
14 dangerous substance or a prescription for a controlled dangerous
15 substance of the same or similar therapeutic use from another
16 practitioner within the previous thirty (30) days.

17 B. Except as authorized by this act, a person shall not
18 manufacture, create, deliver, or possess with intent to manufacture,
19 create, or deliver or possess a prescription form, an original
20 prescription form, or a counterfeit prescription form. This shall
21 not apply to the legitimate manufacture or delivery of prescription
22 forms, or a person acting as an authorized agent of the
23 practitioner.

24

1 C. Information communicated to a physician in an effort
2 unlawfully to procure a controlled dangerous substance, or
3 unlawfully to procure the administration of any such drug, shall not
4 be deemed a privileged communication.

5 D. Any person who violates this section is guilty of a felony
6 punishable by imprisonment for not more than ten (10) years, by a
7 fine of not more than Ten Thousand Dollars (\$10,000.00), or by both
8 such fine and imprisonment. A second or subsequent offense under
9 this section is a felony punishable by imprisonment for a term not
10 ~~less than four (4) years nor more than~~ to exceed twenty (20) years,
11 by a fine of not more than Twenty Thousand Dollars (\$20,000.00), or
12 by both such fine and imprisonment.

13 E. Convictions for second or subsequent violations of this
14 section shall not be subject to statutory provisions for suspended
15 sentences, deferred sentences, or probation.

16 F. 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.

21 SECTION 3. AMENDATORY 63 O.S. 2021, Section 2-415, is
22 amended to read as follows:

23
24

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

- 4 1. Marijuana;
- 5 2. Cocaine or coca leaves;
- 6 3. Heroin;
- 7 4. Amphetamine or methamphetamine;
- 8 5. Lysergic acid diethylamide (LSD);
- 9 6. Phencyclidine (PCP);
- 10 7. Cocaine base, commonly known as "crack" or "rock";
- 11 8. 3,4-Methylenedioxy methamphetamine, commonly known as
12 "ecstasy" or MDMA;
- 13 9. Morphine;
- 14 10. Oxycodone;
- 15 11. Hydrocodone;
- 16 12. Benzodiazepine; or
- 17 13. Fentanyl and its analogs and derivatives.

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

- 20 1. Knowingly distribute, manufacture, bring into this state or
21 possess a controlled substance specified in subsection A of this
22 section in the quantities specified in subsection C of this section;

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

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

8 Violation of this section shall be known as "trafficking in
9 illegal drugs". Separate types of controlled substances described
10 in subsection A of this section when possessed at the same time in
11 violation of any provision of this section shall constitute a
12 separate offense for each substance.

13 Any person who commits the conduct described in paragraph 1, 2
14 or 3 of this subsection and represents the quantity of the
15 controlled substance to be an amount described in subsection C of
16 this section shall be punished under the provisions appropriate for
17 the amount of controlled substance represented, regardless of the
18 actual amount.

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

21 1. Marijuana:

22 a. twenty-five (25) pounds or more of a mixture or
23 substance containing a detectable amount of marijuana
24 shall be punishable by a fine of not less than Twenty-

1 five Thousand Dollars (\$25,000.00) and not more than
2 One Hundred Thousand Dollars (\$100,000.00), or

- 3 b. one thousand (1,000) pounds or more of a mixture or
4 substance containing a detectable amount of marijuana
5 shall be deemed aggravated trafficking punishable by a
6 fine of not less than One Hundred Thousand Dollars
7 (\$100,000.00) and not more than Five Hundred Thousand
8 Dollars (\$500,000.00);

9 2. Cocaine, coca leaves or cocaine base:

- 10 a. twenty-eight (28) grams or more of a mixture or
11 substance containing a detectable amount of cocaine,
12 coca leaves or cocaine base shall be punishable by a
13 fine of not less than Twenty-five Thousand Dollars
14 (\$25,000.00) and not more than One Hundred Thousand
15 Dollars (\$100,000.00),

- 16 b. three hundred (300) grams or more of a mixture or
17 substance containing a detectable amount of cocaine,
18 coca leaves or cocaine base shall be punishable by a
19 fine of not less than One Hundred Thousand Dollars
20 (\$100,000.00) and not more than Five Hundred Thousand
21 Dollars (\$500,000.00), or

- 22 c. four hundred fifty (450) grams or more of a mixture or
23 substance containing a detectable amount of cocaine,
24 coca leaves or cocaine base shall be deemed aggravated

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

4 3. Heroin:

5 a. ten (10) grams or more of a mixture or substance
6 containing a detectable amount of heroin shall be
7 punishable by a fine of not less than Twenty-five
8 Thousand Dollars (\$25,000.00) and not more than Fifty
9 Thousand Dollars (\$50,000.00), or

10 b. twenty-eight (28) grams or more of a mixture or
11 substance containing a detectable amount of heroin
12 shall be deemed aggravated trafficking punishable by a
13 fine of not less than Fifty Thousand Dollars
14 (\$50,000.00) and not more than Five Hundred Thousand
15 Dollars (\$500,000.00);

16 4. Amphetamine or methamphetamine:

17 a. twenty (20) grams or more of a mixture or substance
18 containing a detectable amount of amphetamine or
19 methamphetamine shall be punishable by a fine of not
20 less than Twenty-five Thousand Dollars (\$25,000.00)
21 and not more than Two Hundred Thousand Dollars
22 (\$200,000.00),

23 b. two hundred (200) grams or more of a mixture or
24 substance containing a detectable amount of

1 amphetamine or methamphetamine shall be punishable by
2 a fine of not less than Fifty Thousand Dollars
3 (\$50,000.00) and not more than Five Hundred Thousand
4 Dollars (\$500,000.00), or

- 5 c. four hundred fifty (450) grams or more of a mixture or
6 substance containing a detectable amount of
7 amphetamine or methamphetamine shall be deemed
8 aggravated trafficking 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 5. Lysergic acid diethylamide (LSD):

- 12 a. one (1) gram or more of a mixture or substance
13 containing a detectable amount of lysergic acid
14 diethylamide (LSD) shall be trafficking punishable by
15 a term of imprisonment in the custody of the
16 Department of Corrections not to exceed twenty (20)
17 years and by a fine of not less than Fifty Thousand
18 Dollars (\$50,000.00) and not more than One Hundred
19 Thousand Dollars (\$100,000.00), or
20 b. ten (10) grams or more of a mixture or substance
21 containing a detectable amount of lysergic acid
22 diethylamide (LSD) shall be aggravated trafficking
23 punishable by a term of imprisonment in the custody of
24 the Department of Corrections of not less than two (2)

1 years nor more than life and by a fine of not less
2 than One Hundred Thousand Dollars (\$100,000.00) and
3 not more than Two Hundred Fifty Thousand Dollars
4 (\$250,000.00);

5 6. Phencyclidine (PCP):

6 a. twenty (20) grams or more of a substance containing a
7 mixture or substance containing a detectable amount of
8 phencyclidine (PCP) shall be trafficking punishable by
9 a term of imprisonment in the custody of the
10 Department of Corrections not to exceed twenty (20)
11 years and by a fine of not less than Twenty Thousand
12 Dollars (\$20,000.00) and not more than Fifty Thousand
13 Dollars (\$50,000.00), or

14 b. one hundred fifty (150) grams or more of a substance
15 containing a mixture or substance containing a
16 detectable amount of phencyclidine (PCP) shall be
17 aggravated trafficking punishable by a term of
18 imprisonment in the custody of the Department of
19 Corrections of not less than two (2) years nor more
20 than life and by a fine of not less than Fifty
21 Thousand Dollars (\$50,000.00) and not more than Two
22 Hundred Fifty Thousand Dollars (\$250,000.00);

23 7. 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 shall be trafficking
4 punishable by a term of imprisonment in the custody of
5 the Department of Corrections not to exceed twenty
6 (20) years and by a fine of not less than Twenty-five
7 Thousand Dollars (\$25,000.00) and not more than One
8 Hundred Thousand Dollars (\$100,000.00), or

9 b. one hundred (100) tablets or thirty (30) grams of a
10 mixture or substance containing a detectable amount of
11 3,4-Methylenedioxy methamphetamine shall be deemed
12 aggravated trafficking punishable by a term of
13 imprisonment in the custody of the Department of
14 Corrections of not less than two (2) years nor more
15 than life 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 8. Morphine: One thousand (1,000) grams or more of a mixture
19 containing a detectable amount of morphine shall be trafficking
20 punishable by a term of imprisonment in the custody of the
21 Department of Corrections not to exceed twenty (20) years and by a
22 fine of not less than One Hundred Thousand Dollars (\$100,000.00) and
23 not more than Five Hundred Thousand Dollars (\$500,000.00);
24

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

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

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

20 12. Fentanyl and its analogs and derivatives:

21 a. one (1) gram or more of a mixture containing fentanyl
22 or carfentanil, or any fentanyl analogs or derivatives
23 shall be trafficking punishable by a term of
24 imprisonment in the custody of the Department of

1 Corrections not to exceed twenty (20) years and by a
2 fine of not less than One Hundred Thousand Dollars
3 (\$100,000.00) and not more than Two Hundred Fifty
4 Thousand Dollars (\$250,000.00), or

5 b. five (5) grams or more of a mixture containing
6 fentanyl or carfentanil, or any fentanyl analogs or
7 derivatives shall be aggravated trafficking punishable
8 by a term of imprisonment in the custody of the
9 Department of Corrections of not less than two (2)
10 years nor more than life and by a fine of not less
11 than Two Hundred Fifty Thousand Dollars (\$250,000.00)
12 and not more than Five Hundred Thousand Dollars
13 (\$500,000.00).

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

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

23 2. For trafficking, a second or subsequent violation of this
24 section, a term of imprisonment in the Department of Corrections ~~of~~

1 ~~not less than four (4) years nor more than~~ not to exceed life, for
2 which the person shall serve fifty percent (50%) of the sentence
3 before being eligible for parole consideration.

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

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

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

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

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

1 SECTION 4. AMENDATORY 63 O.S. 2021, Section 2-503.1, is
2 amended to read as follows:

3 Section 2-503.1 A. It is unlawful for any person knowingly or
4 intentionally to receive or acquire proceeds and to conceal such
5 proceeds, or engage in transactions involving proceeds, known to be
6 derived from any violation of the Uniform Controlled Dangerous
7 Substances Act, Section 2-101 et seq. of this title, or of any
8 statute of the United States relating to controlled dangerous
9 substances as defined by the Uniform Controlled Dangerous Substances
10 Act, Section 2-101 et seq. of this title. This subsection does not
11 apply to any transaction between an individual and the counsel of
12 the individual necessary to preserve the right to representation of
13 the individual, as guaranteed by the Oklahoma Constitution and by
14 the Sixth Amendment of the United States Constitution. However,
15 this exception does not create any presumption against or
16 prohibition of the right of the state to seek and obtain forfeiture
17 of any proceeds derived from a violation of the Uniform Controlled
18 Dangerous Substances Act, Section 2-101 et seq. of this title, or of
19 any statute of the United States relating to controlled dangerous
20 substances as defined by the Uniform Controlled Dangerous Substances
21 Act, Section 2-101 et seq. of this title.

22 B. It is unlawful for any person knowingly or intentionally to
23 give, sell, transfer, trade, invest, conceal, transport, or maintain
24 an interest in or otherwise make available anything of value which

1 that person knows is intended to be used for the purpose of
2 committing or furthering the commission of any violation of the
3 Uniform Controlled Dangerous Substances Act, Section 2-101 et seq.
4 of this title, or of any statute of the United States relating to
5 controlled dangerous substances as defined by the Uniform Controlled
6 Dangerous Substances Act, Section 2-101 et seq. of this title.

7 C. It is unlawful for any person knowingly or intentionally to
8 direct, plan, organize, initiate, finance, manage, supervise, or
9 facilitate the transportation or transfer of proceeds known to be
10 derived from any violation of the Uniform Controlled Dangerous
11 Substances Act, Section 2-101 et seq. of this title, or of any
12 statute of the United States relating to controlled dangerous
13 substances as defined by the Uniform Controlled Dangerous Substances
14 Act, Section 2-101 et seq. of this title.

15 D. It is unlawful for any person knowingly or intentionally to
16 conduct a financial transaction involving proceeds derived from a
17 violation of the Uniform Controlled Dangerous Substances Act,
18 Section 2-101 et seq. of this title, or of any statute of the United
19 States relating to controlled dangerous substances as defined by the
20 Uniform Controlled Dangerous Substances Act, Section 2-101 et seq.
21 of this title, when the transaction is designed in whole or in part
22 to conceal or disguise the nature, location, source, ownership, or
23 control of the proceeds known to be derived from a violation of the
24 Uniform Controlled Dangerous Substances Act, Section 2-101 et seq.

1 of this title, or of any statute of the United States relating to
2 controlled dangerous substances as defined by the Uniform Controlled
3 Dangerous Substances Act, Section 2-101 et seq. of this title, or to
4 avoid a transaction reporting requirement under state or federal
5 law.

6 E. Any person convicted of violating any of the provisions of
7 this section is guilty of a felony and may be punished by
8 imprisonment in the custody of the Department of Corrections for a
9 term not less than two (2) years nor more than to exceed ten (10)
10 years or by a fine of not more than Fifty Thousand Dollars
11 (\$50,000.00) or by both said imprisonment and fine.

12 SECTION 5. This act shall become effective November 1, 2022.

13

14 58-2-10192 GRS 01/11/22

15

16

17

18

19

20

21

22

23

24