

STATE OF OKLAHOMA

2nd Session of the 58th Legislature (2022)

HOUSE BILL 3462

By: Grego

AS INTRODUCED

An Act relating to public health and safety; amending 63 O.S. 2021, Section 2-415, which relates to the Uniform Controlled Dangerous Substances Act; decreasing quantity for certain controlled dangerous substance; and providing an effective date.

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

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

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

1. Marijuana;
2. Cocaine or coca leaves;
3. Heroin;
4. Amphetamine or methamphetamine;
5. Lysergic acid diethylamide (LSD);
6. Phencyclidine (PCP);
7. Cocaine base, commonly known as "crack" or "rock";

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

3        9. Morphine;

4        10. Oxycodone;

5        11. Hydrocodone;

6        12. Benzodiazepine; or

7        13. Fentanyl and its analogs and derivatives.

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

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

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

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

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

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

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

9 1. Marijuana:

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

21 2. Cocaine, coca leaves or cocaine base:

- 22 a. twenty-eight (28) grams or more of a mixture or  
23 substance containing a detectable amount of cocaine,  
24 coca leaves or cocaine base shall be punishable by a

1 fine of not less than Twenty-five Thousand Dollars  
2 (\$25,000.00) and not more than One Hundred Thousand  
3 Dollars (\$100,000.00),

4 b. three hundred (300) grams or more of a mixture or  
5 substance containing a detectable amount of cocaine,  
6 coca leaves or cocaine base shall be punishable by a  
7 fine of not less than One Hundred Thousand Dollars  
8 (\$100,000.00) and not more than Five Hundred Thousand  
9 Dollars (\$500,000.00), or

10 c. four hundred fifty (450) grams or more of a mixture or  
11 substance containing a detectable amount of cocaine,  
12 coca leaves or cocaine base shall be deemed aggravated  
13 trafficking punishable by a fine of not less than One  
14 Hundred Thousand Dollars (\$100,000.00) and not more  
15 than Five Hundred Thousand Dollars (\$500,000.00);

16 3. Heroin:

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

22 b. twenty-eight (28) grams or more of a mixture or  
23 substance containing a detectable amount of heroin  
24 shall be deemed aggravated trafficking punishable by a

1 fine of not less than Fifty Thousand Dollars  
2 (\$50,000.00) and not more than Five Hundred Thousand  
3 Dollars (\$500,000.00);

4 4. Amphetamine or methamphetamine:

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

23 5. Lysergic acid diethylamide (LSD):  
24

1           a.    one (1) gram or more of a mixture or substance  
2                containing a detectable amount of lysergic acid  
3                diethylamide (LSD) shall be trafficking punishable by  
4                a term of imprisonment in the custody of the  
5                Department of Corrections not to exceed twenty (20)  
6                years and by a fine of not less than Fifty Thousand  
7                Dollars (\$50,000.00) and not more than One Hundred  
8                Thousand Dollars (\$100,000.00), or

9           b.    ten (10) grams or more of a mixture or substance  
10                containing a detectable amount of lysergic acid  
11                diethylamide (LSD) shall be aggravated trafficking  
12                punishable by a term of imprisonment in the custody of  
13                the Department of Corrections of not less than two (2)  
14                years nor more than life and by a fine of not less  
15                than One Hundred Thousand Dollars (\$100,000.00) and  
16                not more than Two Hundred Fifty Thousand Dollars  
17                (\$250,000.00);

18       6.   Phencyclidine (PCP):

19           a.    twenty (20) grams or more of a substance containing a  
20                mixture or substance containing a detectable amount of  
21                phencyclidine (PCP) shall be trafficking punishable by  
22                a term of imprisonment in the custody of the  
23                Department of Corrections not to exceed twenty (20)  
24                years and by a fine of not less than Twenty Thousand

Dollars (\$20,000.00) and not more than Fifty Thousand Dollars (\$50,000.00), or

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

7. Methylenedioxy methamphetamine:

- a. thirty (30) tablets or ten (10) grams of a mixture or substance containing a detectable amount of 3,4-Methylenedioxy methamphetamine 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 Twenty-five Thousand Dollars (\$25,000.00) and not more than One Hundred Thousand Dollars (\$100,000.00), or
- 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

1           imprisonment in the custody of the Department of  
2           Corrections of not less than two (2) years nor more  
3           than life by a fine of not less than One Hundred  
4           Thousand Dollars (\$100,000.00) and not more than Five  
5           Hundred Thousand Dollars (\$500,000.00);

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

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

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

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

7        12. Fentanyl and its analogs and derivatives:

- 8            a. one (1) gram or more of a mixture containing fentanyl  
9 or carfentanil, or any fentanyl analogs or derivatives  
10 shall be trafficking punishable by a term of  
11 imprisonment in the custody of the Department of  
12 Corrections not to exceed twenty (20) years and by a  
13 fine of not less than One Hundred Thousand Dollars  
14 (\$100,000.00) and not more than Two Hundred Fifty  
15 Thousand Dollars (\$250,000.00), or
- 16            b. five (5) grams or more of a mixture containing  
17 fentanyl or carfentanil, or any fentanyl analogs or  
18 derivatives shall be aggravated trafficking punishable  
19 by a term of imprisonment in the custody of the  
20 Department of Corrections of not less than two (2)  
21 years nor more than life and by a fine of not less  
22 than Two Hundred Fifty Thousand Dollars (\$250,000.00)  
23 and not more than Five Hundred Thousand Dollars  
24 (\$500,000.00).

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

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

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

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

20 Persons convicted of trafficking shall not be eligible for  
21 earned credits or any other type of credits which have the effect of  
22 reducing the length of sentence to less than fifty percent (50%) of  
23 the sentence imposed; and  
24

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

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

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

13        SECTION 2. This act shall become effective November 1, 2022.

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15        58-2-8593            GRS            01/06/22

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