

1 STATE OF OKLAHOMA

2 1st Session of the 57th Legislature (2019)

3 SENATE BILL NO. 766

By: Hicks

4  
5  
6 AS INTRODUCED

7 An Act relating to crimes and punishments; amending  
8 21 O.S. 2011, Section 13.1, as last amended by  
9 Section 1, Chapter 290, O.S.L. 2015 (21 O.S. Supp.  
10 2018, Section 13.1), which relates to required  
11 service of minimum percentage of sentence; modifying  
12 inclusions; amending 63 O.S. 2011, Section 2-401, as  
13 last amended by Section 1, Chapter 130, O.S.L. 2018  
14 (63 O.S. Supp. 2018, Section 2-401), which relates to  
15 penalties for prohibited acts; modifying required  
16 minimum sentence required to be served; amending 63  
17 O.S. 2011, Section 2-415, as last amended by Section  
18 1, Chapter 7, O.S.L. 2018 (63 O.S. Supp. 2018,  
19 Section 2-415), which relates to fines and penalties;  
20 modifying required minimum sentence required to be  
21 served; and providing an effective date.

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

23 SECTION 1. AMENDATORY 21 O.S. 2011, Section 13.1, as  
24 last amended by Section 1, Chapter 290, O.S.L. 2015 (21 O.S. Supp.  
25 2018, Section 13.1), is amended to read as follows:

26 Section 13.1. Persons convicted of:

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

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

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

5           4. Poisoning with intent to kill as defined by Section 651 of  
6 this title;

7           5. Shooting with intent to kill, use of a vehicle to facilitate  
8 use of a firearm, crossbow or other weapon, assault, battery, or  
9 assault and battery with a deadly weapon or by other means likely to  
10 produce death or great bodily harm, as provided for in Section 652  
11 of this title;

12           6. Assault with intent to kill as provided for in Section 653  
13 of this title;

14           7. Conjoint robbery as defined by Section 800 of this title;

15           8. Robbery with a dangerous weapon as defined in Section 801 of  
16 this title;

17           9. First degree robbery as defined in Section 797 of this  
18 title;

19           10. First degree rape as provided for in Section 1111, 1114 or  
20 1115 of this title;

21           11. First degree arson as defined in Section 1401 of this  
22 title;

23           12. First degree burglary as provided for in Section 1436 of  
24 this title;

25

1 13. Bombing as defined in Section 1767.1 of this title;

2 14. Any crime against a child provided for in Section 843.5 of  
3 this title;

4 15. Forcible sodomy as defined in Section 888 of this title;

5 16. Child pornography or aggravated child pornography as  
6 defined in Section 1021.2, 1021.3, 1024.1, 1024.2 or 1040.12a of  
7 this title;

8 17. Child prostitution as defined in Section 1030 of this  
9 title;

10 18. Lewd molestation of a child as defined in Section 1123 of  
11 this title;

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

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

17 ~~21.~~ Aggravated assault and battery upon any person defending  
18 another person from assault and battery; or

19 ~~22.~~ 21. Human trafficking as provided for in Section 748 of  
20 this title,

21 shall be required to serve not less than eighty-five percent (85%)  
22 of any sentence of imprisonment imposed by the judicial system prior  
23 to becoming eligible for consideration for parole. Persons  
24 convicted of these offenses shall not be eligible for earned credits

1 or any other type of credits which have the effect of reducing the  
2 length of the sentence to less than eighty-five percent (85%) of the  
3 sentence imposed.

4 SECTION 2. AMENDATORY 63 O.S. 2011, Section 2-401, as  
5 last amended by Section 1, Chapter 130, O.S.L. 2018 (63 O.S. Supp.  
6 2018, Section 2-401), is amended to read as follows:

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

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

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

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

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

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

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

1 in the custody of the Department of Corrections for not more than  
2 ten (10) years. A third or subsequent conviction for the violation  
3 of the provisions of this paragraph is a felony punishable by a term  
4 of imprisonment in the custody of the Department of Corrections for  
5 not more than fifteen (15) years; or

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

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

21 2. Any person convicted of violating the provisions of  
22 paragraph 1 of this subsection with respect to distributing a  
23 controlled substance is guilty of a felony and shall be punished by  
24 imprisonment in the custody of the Department of Corrections for a

1 term not to exceed ten (10) years and a fine of not more than  
2 Twenty-five Thousand Dollars (\$25,000.00), which shall be in  
3 addition to other punishment provided by law and shall not be  
4 imposed in lieu of other punishment.

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

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

22 5. A second conviction for the violation of the provisions of  
23 paragraph 1 of this subsection with respect to manufacturing a  
24 controlled substance is a felony punishable by imprisonment in the  
25

1 custody of the Department of Corrections for a term not less than  
2 two (2) years nor more than twenty (20) years. A third or  
3 subsequent conviction for the violation of the provisions of this  
4 paragraph is a felony punishable by imprisonment in the custody of  
5 the Department of Corrections for a term not less than ten (10)  
6 years nor more than life.

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

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

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

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

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  
25

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

- 1 d. one hundred (100) grams or more of phencyclidine (PCP)  
2 or 1 kilogram or more of a mixture or substance  
3 containing a detectable amount of phencyclidine (PCP),  
4 e. ten (10) grams or more of a mixture or substance  
5 containing a detectable amount of lysergic acid  
6 diethylamide (LSD),  
7 f. four hundred (400) grams or more of a mixture or  
8 substance containing a detectable amount of N-phenyl-  
9 N-[1-(2-phenylethyl)-4-piperidinyl] propanamide or 100  
10 grams or more of a mixture or substance containing a  
11 detectable amount of any analogue of N-phenyl-N-[1-(2-  
12 phenylethyl)-4-piperidinyl] propanamide,  
13 g. one thousand (1,000) kilograms or more of a mixture or  
14 substance containing a detectable amount of marihuana  
15 or one thousand (1000) or more marihuana plants  
16 regardless of weight, or  
17 h. fifty (50) grams or more of methamphetamine, its  
18 salts, isomers, and salts of its isomers or 500 grams  
19 or more of a mixture or substance containing a  
20 detectable amount of methamphetamine, its salts,  
21 isomers, or salts of its isomers,

22 upon conviction, is guilty of aggravated manufacturing a controlled  
23 dangerous substance punishable by imprisonment for not less than  
24 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 percent (60%) 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  
17 percent (60%) 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 1, Chapter 7, 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;
- 4 12. Benzodiazepine; or
- 5 13. Fentanyl and its analogs and derivatives.

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

- 8 1. Knowingly distribute, manufacture, bring into this state or  
9 possess a controlled substance specified in subsection A of this  
10 section in the quantities specified in subsection C of this section;
- 11 2. Possess any controlled substance with the intent to  
12 manufacture a controlled substance specified in subsection A of this  
13 section in quantities specified in subsection C of this section; or
- 14 3. Use or solicit the use of services of a person less than  
15 eighteen (18) years of age to distribute or manufacture a controlled  
16 dangerous substance specified in subsection A of this section in  
17 quantities specified in subsection C of this section.

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

23 Any person who commits the conduct described in paragraph 1, 2  
24 or 3 of this subsection and represents the quantity of the

1 controlled substance to be an amount described in subsection C of  
2 this section shall be punished under the provisions appropriate for  
3 the amount of controlled substance represented, regardless of the  
4 actual amount.

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

7 1. Marihuana:

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

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

19 2. Cocaine or coca leaves:

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

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

7           c.    four hundred fifty (450) grams or more of a mixture or  
8                    substance containing a detectable amount of cocaine or  
9                    coca leaves shall be deemed aggravated trafficking  
10                   punishable by a fine of not less than One Hundred  
11                   Thousand Dollars (\$100,000.00) and not more than Five  
12                   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:  
25

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. Cocaine base:

- 22 a. five (5) grams or more of a mixture or substance  
23 described in paragraph 2 of this subsection which  
24 contains cocaine base shall be punishable by a fine of  
25

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

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

10 8. Methylenedioxy methamphetamine:

- 11 a. thirty (30) tablets or ten (10) grams of a mixture or  
12 substance containing a detectable amount of 3,4-  
13 Methylenedioxy methamphetamine shall be punishable by  
14 a fine of not less than Twenty-five Thousand Dollars  
15 (\$25,000.00) and not more than One Hundred Thousand  
16 Dollars (\$100,000.00), or

- 17 b. one hundred (100) tablets or thirty (30) grams of a  
18 mixture or substance containing a detectable amount of  
19 3,4-Methylenedioxy methamphetamine shall be punishable  
20 by a fine of not less than One Hundred Thousand  
21 Dollars (\$100,000.00) and not more than Five Hundred  
22 Thousand Dollars (\$500,000.00);

23 9. Morphine: One thousand (1,000) grams or more of a mixture  
24 containing a detectable amount of morphine shall be punishable 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. Oxycodone: Four hundred (400) grams or more of a mixture  
4 containing a detectable amount of oxycodone shall be punishable 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 11. Hydrocodone: Three thousand seven hundred and fifty  
8 (3,750) grams or more of a mixture containing a detectable amount of  
9 hydrocodone shall be punishable by a fine of not less than One  
10 Hundred Thousand Dollars (\$100,000.00) and not more than Five  
11 Hundred Thousand Dollars (\$500,000.00);

12 12. Benzodiazepine: Five hundred (500) grams or more of a  
13 mixture containing a detectable amount of benzodiazepine shall be  
14 punishable by a fine of not less than One Hundred Thousand Dollars  
15 (\$100,000.00) and not more than Five Hundred Thousand Dollars  
16 (\$500,000.00); and

17 13. Fentanyl and its analogs and derivatives: One (1) gram or  
18 more of a mixture containing fentanyl or carfentanil, or any  
19 fentanyl analogs or derivatives shall be punishable by a fine of not  
20 less than One Hundred Thousand Dollars (\$100,000.00) and not more  
21 than Five Hundred Thousand Dollars (\$500,000.00).

22 D. Any person who violates the provisions of this section with  
23 respect to a controlled substance specified in subsection A of this  
24 section in a quantity specified in subsection C of this section

1 shall, in addition to any fines specified by this section, be  
2 punishable by a term of imprisonment as follows:

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

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

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

19 4. If the person is convicted of aggravated trafficking as  
20 provided in subparagraph b of paragraph 1 of subsection C of this  
21 section, subparagraph c of paragraph 2 of subsection C of this  
22 section or subparagraph c of paragraph 4 of subsection C of this  
23 section, a mandatory minimum sentence of imprisonment in the custody  
24 of the Department of Corrections for a term of fifteen (15) years of

1 which the person shall serve ~~eighty-five percent (85%)~~ sixty percent  
2 (60%) of such mandatory sentence before being eligible for parole  
3 consideration or any earned credits.

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

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

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

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

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