

SENATE CHAMBER
STATE OF OKLAHOMA

DISPOSITION

FLOOR AMENDMENT

No. _____

COMMITTEE AMENDMENT

(Date)

Mr./Madame President:

I move to amend House Bill No. 1567, by substituting the attached floor substitute for the title, enacting clause and entire body of the measure.

Submitted by:

Senator Weaver

Weaver-BG-FS-Req#2041
3/31/2021 1:31 PM

(Floor Amendments Only) Date and Time Filed: _____

Untimely

Amendment Cycle Extended

Secondary Amendment

1 STATE OF OKLAHOMA

2 1st Session of the 58th Legislature (2021)

3 FLOOR SUBSTITUTE
4 FOR ENGROSSED

5 HOUSE BILL NO. 1567

By: Boatman of the House

and

Weaver of the Senate

7
8
9 FLOOR SUBSTITUTE

10 An Act relating to public health and safety; amending
11 63 O.S. 2011, Section 2-415, as last amended by
12 Section 40, Chapter 25, O.S.L. 2019 (63 O.S. Supp.
13 2020, Section 2-415), which relates to the Uniform
14 Controlled Dangerous Substances Act; deeming certain
15 unlawful act as aggravated trafficking; modifying
16 certain penalties; decreasing certain fine amount;
17 providing separate penalty provision for aggravated
18 trafficking of fentanyl; updating internal citations;
19 and providing an effective date.

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

21 SECTION 1. AMENDATORY 63 O.S. 2011, Section 2-415, as
22 last amended by Section 40, Chapter 25, O.S.L. 2019 (63 O.S. Supp.
23 2020, Section 2-415), is amended to read as follows:

24 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. ~~Marihuana~~ Marijuana;

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

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

- 16 1. Knowingly distribute, manufacture, bring into this state or
- 17 possess a controlled substance specified in subsection A of this
- 18 section in the quantities specified in subsection C of this section;
- 19 2. Possess any controlled substance with the intent to
- 20 manufacture a controlled substance specified in subsection A of this
- 21 section in quantities specified in subsection C of this section; or
- 22 3. Use or solicit the use of services of a person less than
- 23 eighteen (18) years of age to distribute or manufacture a controlled
- 24

1 dangerous substance specified in subsection A of this section in
2 quantities specified in subsection C of this section.

3 Violation of this section shall be known as "trafficking in
4 illegal drugs". Separate types of controlled substances described
5 in subsection A of this section when possessed at the same time in
6 violation of any provision of this section shall constitute a
7 separate offense for each substance.

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

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

16 1. ~~Marihuana~~ Marijuana:

- 17 a. twenty-five (25) pounds or more of a mixture or
18 substance containing a detectable amount of ~~marihuana~~
19 marijuana shall be punishable by a fine of not less
20 than Twenty-five Thousand Dollars (\$25,000.00) and not
21 more than One Hundred Thousand Dollars (\$100,000.00),
22 or
23 b. one thousand (1,000) pounds or more of a mixture or
24 substance containing a detectable amount of ~~marihuana~~

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

5 2. Cocaine, coca leaves or cocaine base:

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

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

18 c. four hundred fifty (450) grams or more of a mixture or
19 substance containing a detectable amount of cocaine,
20 coca leaves or cocaine base shall be deemed aggravated
21 trafficking punishable by a fine of not less than One
22 Hundred Thousand Dollars (\$100,000.00) and not more
23 than Five Hundred Thousand Dollars (\$500,000.00);

24 3. Heroin:

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

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

12 4. Amphetamine or methamphetamine:

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

19 b. two hundred (200) grams or more of a mixture or
20 substance containing a detectable amount of
21 amphetamine or methamphetamine shall be punishable by
22 a fine of not less than Fifty Thousand Dollars
23 (\$50,000.00) and not more than Five Hundred Thousand
24 Dollars (\$500,000.00), or

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

7 5. Lysergic acid diethylamide (LSD):

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

16 b. ten (10) grams or more of a mixture or substance
17 containing a detectable amount of lysergic acid
18 diethylamide (LSD) shall be aggravated trafficking
19 punishable by a term of imprisonment in the custody of
20 the Department of Corrections of not less than two (2)
21 years nor more than life and by a fine of not less
22 than One Hundred Thousand Dollars (\$100,000.00) and
23 not more than Two Hundred Fifty Thousand Dollars
24 (\$250,000.00);

1 6. Phencyclidine (PCP):

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

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

19 7. Methylenedioxy methamphetamine:

20 a. thirty (30) tablets or ten (10) grams of a mixture or
21 substance containing a detectable amount of 3,4-
22 Methylenedioxy methamphetamine shall be trafficking
23 punishable by a term of imprisonment in the custody of
24 the Department of Corrections not to exceed twenty

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

4 b. one hundred (100) tablets or thirty (30) grams of a
5 mixture or substance containing a detectable amount of
6 3,4-Methylenedioxy methamphetamine shall be deemed
7 aggravated trafficking punishable by a term of
8 imprisonment in the custody of the Department of
9 Corrections of not less than two (2) years nor more
10 than life 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 8. Morphine: One thousand (1,000) grams or more of a mixture
14 containing a detectable amount of morphine shall be trafficking
15 punishable by a term of imprisonment in the custody of the
16 Department of Corrections not to exceed twenty (20) years and by a
17 fine of not less than One Hundred Thousand Dollars (\$100,000.00) and
18 not more than Five Hundred Thousand Dollars (\$500,000.00);

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

1 10. Hydrocodone: Three thousand seven hundred ~~and~~ fifty
2 (3,750) grams or more of a mixture containing a detectable amount of
3 hydrocodone shall be trafficking punishable by a term of
4 imprisonment in the custody of the Department of Corrections not to
5 exceed twenty (20) years and by a fine of not less than One Hundred
6 Thousand Dollars (\$100,000.00) and not more than Five Hundred
7 Thousand Dollars (\$500,000.00);

8 11. Benzodiazepine: Five hundred (500) grams or more of a
9 mixture containing a detectable amount of benzodiazepine shall be
10 trafficking punishable by a term of imprisonment not to exceed
11 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); and

14 12. Fentanyl and its analogs and derivatives: ~~One~~

15 a. one (1) gram or more of a mixture containing fentanyl
16 or carfentanil, or any fentanyl analogs or derivatives
17 shall be trafficking punishable by a term of
18 imprisonment in the custody of the Department of
19 Corrections not to exceed twenty (20) years and 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) Two Hundred Fifty Thousand~~
23 Dollars (\$250,000.00), or
24

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

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

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

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

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

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

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

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

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

1 deposited into the Trauma Care Assistance Revolving Fund created in
2 Section 1-2530.9 of this title and the assessment pursuant to
3 Section 2-503.2 of this title.

4 SECTION 2. This act shall become effective November 1, 2021.

5
6 58-1-2041 BG 3/31/2021 1:31:46 PM
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24