

STATE OF OKLAHOMA

2nd Session of the 58th Legislature (2022)

SENATE BILL 1458

By: Thompson

AS INTRODUCED

An Act relating to fines and fees; providing for certain transfer of funds; amending 20 O.S. 2021, Section 1313.2, which relates to definitions; eliminating certain fees; amending 22 O.S. 2021, Section 988.9, which relates to community sentencing; eliminating certain fee; amending 22 O.S. 2021, Section 991c, as last amended by Section 3, Chapter 101, O.S.L. 2021, which relates to deferred sentence; eliminating certain fee; amending 22 O.S. 2021, Section 991d, which relates to supervision fees; eliminating certain fees; amending 28 O.S. 2021, Section 153, which relates to costs in criminal cases; eliminating certain fees; amending 29 O.S. 2021, Section 9-114, which relates to penalties; eliminating certain fee; amending 63 O.S. 2021, Sections 2-401, 2-402, as last amended by Section 1, Chapter 220, O.S.L. 2016, 2-404, 2-405, 2-406, 2-407, 2-407.1, and 2-415, which relates to penalties for prohibited acts; eliminating certain fee; updating statutory reference; repealing 19 O.S. 2021, Section 339.7, which relates to community service programs; repealing 20 O.S. 2021, Sections 1313.3, 1313.4, and 1313.7, which relate to fees, fingerprinting, Forensic Science Improvement Assessment, and Medical Expense Liability Fee; repealing 47 O.S. 2021, Section 11-403.1, which relates to fees; repealing 63 O.S. 2021, Section 2-503.2, which relates to Drug Abuse Education and Treatment Revolving Fund; repealing 70 O.S. 2021, Section 18-118.1, which relates to School Investigative Audit Revolving Fund; updating statutory language; providing for noncodification; and providing an effective date.

1
2 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

3 SECTION 1. NEW LAW A new section of law not to be
4 codified in the Oklahoma Statutes reads as follows:

5 On the effective date of this act, any unencumbered and
6 unexpended funds remaining in the A.F.I.S. Fund, Forensic Science
7 Improvement Revolving Fund, Medical Expense Liability Revolving
8 Fund, Motorcycle Safety and Education Program Revolving Fund, Drug
9 Abuse Education and Treatment Revolving Fund, and School
10 Investigative Audit Revolving Fund shall be deposited into the
11 General Revenue Fund of the State Treasury.

12 SECTION 2. AMENDATORY 20 O.S. 2021, Section 1313.2, is
13 amended to read as follows:

14 Section 1313.2. A. As used in this section:

15 1. "Arrested" means taking custody of another for the purpose
16 of holding or detaining him or her to answer a criminal charge;

17 2. "Convicted" means any final adjudication of guilt, whether
18 pursuant to a plea of guilty or nolo contendere or otherwise, and
19 any deferred or suspended sentence or judgment;

20 3. "Court" means any state or municipal court having
21 jurisdiction to impose a criminal fine or penalty; and

22 4. "DNA" means Deoxyribonucleic acid.

23 B. ~~Any person convicted of an offense including traffic~~
24 ~~offenses but excluding parking and standing violations, punishable~~
25

1 ~~by a fine of Ten Dollars (\$10.00) or more or by incarceration or any~~
2 ~~person forfeiting bond when charged with such an offense, shall be~~
3 ~~ordered by the court to pay Ten Dollars (\$10.00) as a separate fee,~~
4 ~~which fee shall be in addition to and not in substitution for any~~
5 ~~and all fines and penalties otherwise provided for by law for such~~
6 ~~offense.~~

7 ~~C. 1. Any person convicted of any misdemeanor or felony~~
8 ~~offense shall pay a Laboratory Analysis Fee in the amount of One~~
9 ~~Hundred Fifty Dollars (\$150.00) for each offense if forensic science~~
10 ~~or laboratory services are rendered or administered by the Oklahoma~~
11 ~~State Bureau of Investigation (OSBI), by the Toxicology Laboratory~~
12 ~~of the Office of the Chief Medical Examiner or by any municipality~~
13 ~~or county in connection with the case. This fee shall be in~~
14 ~~addition to and not a substitution for any and all fines and~~
15 ~~penalties otherwise provided for by law for this offense.~~

16 ~~2. The court clerk shall cause to be deposited the amount of~~
17 ~~One Hundred Fifty Dollars (\$150.00) as collected, for every~~
18 ~~conviction as described in this subsection. The court clerk shall~~
19 ~~remit the monies in the fund on a monthly basis directly either to:~~

20 ~~a. the OSBI who shall deposit the monies into the OSBI~~
21 ~~Revolving Fund provided for in Section 150.19a of~~
22 ~~Title 74 of the Oklahoma Statutes for services~~
23 ~~rendered or administered by the OSBI,~~

1 ~~b. the Office of the Chief Medical Examiner who shall~~
2 ~~deposit the monies into the Chief Medical Examiner~~
3 ~~Revolving Fund provided for in Section 948 of Title 63~~
4 ~~of the Oklahoma Statutes for services rendered or~~
5 ~~administered by the Office of the Chief Medical~~
6 ~~Examiner, or~~

7 ~~c. the appropriate municipality or county for services~~
8 ~~rendered or administered by a municipality or county.~~

9 ~~3. The monies from the Laboratory Analysis Fee Fund deposited~~
10 ~~into the OSBI Revolving Fund shall be used for the following:~~

11 ~~a. providing criminalistic laboratory services,~~

12 ~~b. the purchase and maintenance of equipment for use by~~
13 ~~the laboratory in performing analysis,~~

14 ~~c. education, training, and scientific development of~~
15 ~~OSBI personnel, and~~

16 ~~d. the destruction of seized property and chemicals as~~
17 ~~prescribed in Sections 2-505 and 2-508 of Title 63 of~~
18 ~~the Oklahoma Statutes.~~

19 ~~D. Upon conviction or bond forfeiture, the court shall collect~~
20 ~~the fee provided for in subsection B of this section and deposit it~~
21 ~~in an account created for that purpose. Except as otherwise~~
22 ~~provided in subsection E of this section, monies shall be forwarded~~
23 ~~monthly by the court clerk to the Council on Law Enforcement~~
24 ~~Education and Training (CLEET). Beginning July 1, 2003, deposits~~

1 ~~shall be due on the fifteenth day of each month for the preceding~~
2 ~~calendar month. There shall be a late fee imposed for failure to~~
3 ~~make timely deposits; provided, CLEET, in its discretion, may waive~~
4 ~~all or part of the late fee. Such late fee shall be one percent~~
5 ~~(1%) of the principal amount due per day beginning from the tenth~~
6 ~~day after payment is due and accumulating until the late fee reaches~~
7 ~~one hundred percent (100%) of the principal amount due. Beginning~~
8 ~~on July 1, 1987, ninety percent (90%) of the monies received by~~
9 ~~CLEET from the court clerks pursuant to this section shall be~~
10 ~~deposited in the CLEET Fund, and ten percent (10%) shall be~~
11 ~~deposited in the General Revenue Fund. Beginning January 1, 2001,~~
12 ~~sixty and fifty three one hundredths percent (60.53%) of the monies~~
13 ~~received by CLEET from the court clerks pursuant to this section~~
14 ~~shall be deposited in the CLEET Fund created pursuant to subsection~~
15 ~~6 of this section, five and eighty three one hundredths percent~~
16 ~~(5.83%) shall be deposited in the General Revenue Fund and thirty-~~
17 ~~three and sixty four one hundredths percent (33.64%) shall be~~
18 ~~deposited in the CLEET Training Center Revolving Fund created~~
19 ~~pursuant to Section 3311.6 of Title 70 of the Oklahoma Statutes.~~
20 ~~Along with the deposits required by this subsection, each court~~
21 ~~shall also submit a report stating the total amount of funds~~
22 ~~collected and the total number of fees imposed during the preceding~~
23 ~~quarter. The report may be made on computerized or manual~~
24 ~~disposition reports.~~

1 ~~E. Any municipality or county having a basic law enforcement~~
2 ~~academy approved by CLEET pursuant to the criteria developed by~~
3 ~~CLEET for training law enforcement officers shall retain from monies~~
4 ~~collected pursuant to subsections A through D of this section, Two~~
5 ~~Dollars (\$2.00) from each fee. These monies shall be deposited into~~
6 ~~an account for the sole use of the municipality or county in~~
7 ~~implementing its law enforcement training functions. Not more than~~
8 ~~seven percent (7%) of the monies shall be used for court and~~
9 ~~prosecution training. The court clerk of any such municipality or~~
10 ~~county shall furnish to CLEET the report required by subsection D of~~
11 ~~this section.~~

12 ~~F. 1. Any person entering a plea of guilty or nolo contendere~~
13 ~~or is found guilty of the crime of misdemeanor possession of~~
14 ~~marijuana or drug paraphernalia shall be ordered by the court to pay~~
15 ~~a five dollar fee, which shall be in addition to and not in~~
16 ~~substitution for any and all fines and penalties otherwise provided~~
17 ~~for by law for such offense.~~

18 ~~2. The court clerk shall cause to be deposited the amount of~~
19 ~~Five Dollars (\$5.00) as collected, for every adjudicated or~~
20 ~~otherwise convicted person as described in this subsection. The~~
21 ~~court clerk shall remit the monies in the fund on a monthly basis~~
22 ~~directly to the Bureau of Narcotics Drug Education Revolving Fund.~~

23 ~~G. There is hereby created in the State Treasury a fund for the~~
24 ~~Council on Law Enforcement Education and Training to be designated~~

1 the "CLEET Fund". The fund shall be subject to legislative
2 appropriation and shall consist of any monies received from fees and
3 receipts collected pursuant to the Oklahoma Open Records Act,
4 reimbursements for parts used in the repair of weapons of law
5 enforcement officers attending the basic academies, gifts, bequests,
6 contributions, tuition, fees, devises and the assessments levied
7 pursuant to the fund pursuant to law.

8 ~~H.~~ C. 1. Any person arrested or convicted of a felony offense
9 or convicted of a misdemeanor offense of assault and battery,
10 domestic abuse, stalking, possession of a controlled substance
11 prohibited under Schedule IV of the Uniform Controlled Dangerous
12 Substances Act, outraging public decency, resisting arrest, escaping
13 or attempting to escape, eluding a police officer, Peeping Tom,
14 pointing a firearm, threatening an act of violence, breaking and
15 entering a dwelling place, destruction of property, negligent
16 homicide or causing a personal injury accident while driving under
17 the influence of any intoxicating substance shall pay a DNA fee of
18 One Hundred Fifty Dollars (\$150.00). This fee shall not be
19 collected if the person has a valid DNA sample in the OSBI DNA
20 Offender Database at the time of sentencing.

21 2. The court clerk shall cause to be deposited the amount of
22 One Hundred Fifty Dollars (\$150.00) as collected for every felony
23 arrest, felony conviction or every conviction for a misdemeanor
24 offense of assault and battery, domestic abuse, stalking, possession

1 of a controlled substance prohibited under the Uniform Controlled
2 Dangerous Substances Act, outraging public decency, resisting
3 arrest, escaping or attempting to escape, eluding a police officer,
4 Peeping Tom, pointing a firearm, threatening an act of violence,
5 breaking and entering a dwelling place, destruction of property,
6 negligent homicide or causing a personal injury accident while
7 driving under the influence of any intoxicating substance as
8 described in this subsection. The court clerk shall remit the
9 monies in the fund on a monthly basis directly to the OSBI who shall
10 deposit the monies into the OSBI Revolving Fund provided for in
11 Section 150.19a of Title 74 of the Oklahoma Statutes for services
12 rendered or administered by the OSBI.

13 3. The monies from the DNA sample fee deposited into the OSBI
14 Revolving Fund shall be used for creating, staffing and maintaining
15 the OSBI DNA Laboratory and OSBI Combined DNA Index System (CODIS)
16 Database.

17 ~~F.~~ D. It shall be the responsibility of the court clerk to
18 account for and ensure the correctness and accuracy of payments made
19 to the state agencies identified in Sections 1313.2 through 1313.4
20 of this title. Payments made directly to an agency by the court
21 clerk as a result of different types of assessments and fees
22 pursuant to Sections 1313.2 through 1313.4 of this title shall be
23 made monthly to each state agency.

1 SECTION 3. AMENDATORY 22 O.S. 2021, Section 988.9, is

2 amended to read as follows:

3 Section 988.9. A. ~~Any offender sentenced to a community~~
4 ~~sentence pursuant to the Oklahoma Community Sentencing Act which~~
5 ~~requires supervision shall be required to pay a supervision fee.~~
6 ~~The supervising agency shall establish the fee amount, not to exceed~~
7 ~~Forty Dollars (\$40.00) per month, based upon the offender's ability~~
8 ~~to pay. In hardship cases the supervising agency may expressly~~
9 ~~waive all or part of the fee. No supervising agency participating~~
10 ~~in a local community sentencing system shall deny any offender~~
11 ~~supervision services for the sole reason that the offender is~~
12 ~~indigent. Fees collected for supervision services performed by the~~
13 ~~Department of Corrections shall be paid directly to the Department~~
14 ~~to be deposited in the Department of Corrections Revolving Fund.~~
15 ~~Supervision services performed by contracted providers other than~~
16 ~~the Department shall be paid directly to that contracted provider.~~

17 B. ~~In addition to any supervision fee, eligible~~ Eligible
18 offenders participating in a local community sentencing system under
19 a court-ordered community punishment shall be required to pay an
20 administrative fee to support the local system which shall not
21 exceed Twenty Dollars (\$20.00) per month to be set by the court.
22 Administrative fees when collected shall be deposited with the
23 Community Sentencing Division within the Department of Corrections
24 and credited to the local community sentencing system for support

1 and expansion of the local community corrections system. In the
2 event the court fails to order the amount of the administrative fee,
3 the fee shall be Twenty Dollars (\$20.00) per month.

4 ~~C. B.~~ In addition to any ~~supervision fee and~~ administrative fee
5 authorized by this section, the court shall assess court costs, and
6 may assess program reimbursement costs, restitution, and fines to be
7 paid by the offender. With the exception of supervision fees, other
8 fees, costs, fines, restitution, or monetary obligations ordered to
9 be paid by the offender shall not cease with the termination of
10 active supervision and such obligations shall continue until fully
11 paid and may be collected in the same manner as court costs.

12 SECTION 4. AMENDATORY 22 O.S. 2021, Section 991c, as
13 last amended by Section 3, Chapter 101, O.S.L. 2021, is amended to
14 read as follows:

15 Section 991c. A. Upon a verdict or plea of guilty or upon a
16 plea of nolo contendere, but before a judgment of guilt, the court
17 may, without entering a judgment of guilt and with the consent of
18 the defendant, defer further proceedings upon the specific
19 conditions prescribed by the court not to exceed a seven-year
20 period, except as authorized under subsection B of this section.
21 The court shall first consider restitution among the various
22 conditions it may prescribe. The court may also consider ordering
23 the defendant to:

- 24 1. Pay court costs;

1 2. Pay an assessment in lieu of any fine authorized by law for
2 the offense;

3 3. Pay any other assessment or cost authorized by law;

4 4. Engage in a term of community service without compensation,
5 according to a schedule consistent with the employment and family
6 responsibilities of the defendant;

7 5. County jail confinement for a period not to exceed ninety
8 (90) days or the maximum amount of jail time provided for the
9 offense, if it is less than ninety (90) days;

10 6. Pay an amount as reimbursement for reasonable attorney fees,
11 to be paid into the court fund, if a court-appointed attorney has
12 been provided to the defendant;

13 7. Be supervised in the community for a period not to exceed
14 eighteen (18) months, unless a petition alleging violation of any
15 condition of deferred judgment is filed during the period of
16 supervision. ~~As a condition of any supervision, the defendant shall
17 be required to pay a supervision fee of Forty Dollars (\$40.00) per
18 month. The supervision fee shall be waived in whole or part by the
19 supervisory agency when the accused is indigent. Any fees collected
20 by the district attorney pursuant to this paragraph shall be
21 deposited in the General Revenue Fund of the State Treasury. No
22 person shall be denied supervision based solely on the inability of
23 the person to pay a fee;~~

1 8. ~~Pay into the court fund a monthly amount not exceeding Forty~~
2 ~~Dollars (\$40.00) per month during any period during which the~~
3 ~~proceedings are deferred when the defendant is not to be supervised~~
4 ~~in the community. The total amount to be paid into the court fund~~
5 ~~shall be established by the court and shall not exceed the amount of~~
6 ~~the maximum fine authorized by law for the offense;~~

7 9. Make other reparations to the community or victim as
8 required and deemed appropriate by the court;

9 ~~10.~~ 9. Order any conditions which can be imposed for a
10 suspended sentence pursuant to paragraph 1 of subsection A of
11 Section 991a of this title; or

12 ~~11.~~ 10. Any combination of the above provisions.

13 ~~However, unless under the supervision of the district attorney,~~
14 ~~the offender shall be required to pay Forty Dollars (\$40.00) per~~
15 ~~month to the district attorney during the first two (2) years of~~
16 ~~probation to compensate the district attorney for the costs incurred~~
17 ~~during the prosecution of the offender and for the additional work~~
18 ~~of verifying the compliance of the offender with the rules and~~
19 ~~conditions of his or her probation. The district attorney may waive~~
20 ~~any part of this requirement in the best interests of justice. The~~
21 ~~court shall not waive, suspend, defer or dismiss the costs of~~
22 ~~prosecution in its entirety. However, if the court determines that~~
23 ~~a reduction in the fine, costs and costs of prosecution is~~
24 ~~warranted, the court shall equally apply the same percentage~~

1 ~~reduction to the fine, costs and costs of prosecution owed by the~~
2 ~~offender. Any fees collected by the district attorney pursuant to~~
3 ~~this paragraph shall be deposited in the General Revenue Fund of the~~
4 ~~State Treasury.~~

5 B. When the court has ordered restitution as a condition of
6 supervision as provided for in subsection A of this section and that
7 condition has not been satisfied, the court may, at any time prior
8 to the termination or expiration of the supervision period, order an
9 extension of supervision for a period not to exceed three (3) years.

10 C. In addition to any conditions of supervision provided for in
11 subsection A of this section, the court shall, in the case of a
12 person before the court for the offense of operating or being in
13 control of a motor vehicle while the person was under the influence
14 of alcohol, other intoxicating substance, or a combination of
15 alcohol and another intoxicating substance, or who is before the
16 court for the offense of operating a motor vehicle while the ability
17 of the person to operate such vehicle was impaired due to the
18 consumption of alcohol, require the person to participate in an
19 alcohol and drug substance abuse evaluation program offered by a
20 facility or qualified practitioner certified by the Department of
21 Mental Health and Substance Abuse Services for the purpose of
22 evaluating the receptivity to treatment and prognosis of the person.
23 The court shall order the person to reimburse the facility or
24 qualified practitioner for the evaluation. The Department of Mental

1 Health and Substance Abuse Services shall establish a fee schedule,
2 based upon the ability of a person to pay, provided the fee for an
3 evaluation shall not exceed Seventy-five Dollars (\$75.00). The
4 evaluation shall be conducted at a certified facility, the office of
5 a qualified practitioner or at another location as ordered by the
6 court. The facility or qualified practitioner shall, within
7 seventy-two (72) hours from the time the person is assessed, submit
8 a written report to the court for the purpose of assisting the court
9 in its determination of conditions for deferred sentence. No
10 person, agency or facility operating an alcohol and drug substance
11 abuse evaluation program certified by the Department of Mental
12 Health and Substance Abuse Services shall solicit or refer any
13 person evaluated pursuant to this subsection for any treatment
14 program or alcohol and drug substance abuse service in which the
15 person, agency or facility has a vested interest; however, this
16 provision shall not be construed to prohibit the court from ordering
17 participation in or any person from voluntarily utilizing a
18 treatment program or alcohol and drug substance abuse service
19 offered by such person, agency or facility. Any evaluation report
20 submitted to the court pursuant to this subsection shall be handled
21 in a manner which will keep the report confidential from review by
22 the general public. Nothing contained in this subsection shall be
23 construed to prohibit the court from ordering judgment and sentence
24 in the event the defendant fails or refuses to comply with an order

1 of the court to obtain the evaluation required by this subsection.

2 As used in this subsection, "qualified practitioner" means a person
3 with at least a bachelor's degree in substance abuse treatment,
4 mental health or a related health care field and at least two (2)
5 years of experience in providing alcohol abuse treatment, other drug
6 abuse treatment, or both alcohol and other drug abuse treatment who
7 is certified each year by the Department of Mental Health and
8 Substance Abuse Services to provide these assessments. However, any
9 person who does not meet the requirements for a qualified
10 practitioner as defined herein, but who has been previously
11 certified by the Department of Mental Health and Substance Abuse
12 Services to provide alcohol or drug treatment or assessments, shall
13 be considered a qualified practitioner provided all education,
14 experience and certification requirements stated herein are met by
15 September 1, 1995. The court may also require the person to
16 participate in one or both of the following:

17 1. An alcohol and drug substance abuse course, pursuant to
18 Sections 3-452 and 3-453 of Title 43A of the Oklahoma Statutes; and

19 2. A victims impact panel program, as defined in subsection H
20 of Section 991a of this title, if such a program is offered in the
21 county where the judgment is rendered. The defendant shall be
22 required to pay a fee of Seventy-five Dollars (\$75.00) as set by the
23 governing authority of the program and approved by the court to the
24 victims impact panel program to offset the cost of participation by

1 the defendant, if in the opinion of the court the defendant has the
2 ability to pay such fee.

3 D. Upon completion of the conditions of the deferred judgment,
4 and upon a finding by the court that the conditions have been met
5 and all fines, fees, and monetary assessments have been paid as
6 ordered, the defendant shall be discharged without a court judgment
7 of guilt, and the court shall order the verdict or plea of guilty or
8 plea of nolo contendere to be expunged from the record and the
9 charge shall be dismissed with prejudice to any further action. The
10 procedure to expunge the record of the defendant shall be as
11 follows:

12 1. All references to the name of the defendant shall be deleted
13 from the docket sheet;

14 2. The public index of the filing of the charge shall be
15 expunged by deletion, mark-out or obliteration;

16 3. Upon expungement, the court clerk shall keep a separate
17 confidential index of case numbers and names of defendants which
18 have been obliterated pursuant to the provisions of this section;

19 4. No information concerning the confidential file shall be
20 revealed or released, except upon written order of a judge of the
21 district court or upon written request by the named defendant to the
22 court clerk for the purpose of updating the criminal history record
23 of the defendant with the Oklahoma State Bureau of Investigation;

24 and

1 5. Defendants qualifying under Section 18 of this title may
2 petition the court to have the filing of the indictment and the
3 dismissal expunged from the public index and docket sheet. This
4 section shall not be mutually exclusive of Section 18 of this title.

5 Records expunged pursuant to this subsection shall be sealed to
6 the public but not to law enforcement agencies for law enforcement
7 purposes. Records expunged pursuant to this subsection shall be
8 admissible in any subsequent criminal prosecution to prove the
9 existence of a prior conviction or prior deferred judgment without
10 the necessity of a court order requesting the unsealing of such
11 records.

12 E. The provisions of subsection D of this section shall be
13 retroactive.

14 F. Whenever a judgment has been deferred by the court according
15 to the provisions of this section, deferred judgment may not be
16 accelerated for any technical violation unless a petition setting
17 forth the grounds for such acceleration is filed by the district
18 attorney with the clerk of the sentencing court and competent
19 evidence justifying the acceleration of the judgment is presented to
20 the court at a hearing to be held for that purpose. The hearing
21 shall be held not more than twenty (20) days after the entry of the
22 plea of not guilty to the petition, unless waived by both the state
23 and the defendant. Any acceleration of a deferred sentence based on
24 a technical violation shall not exceed ninety (90) days for a first

1 acceleration or five (5) years for a second or subsequent
2 acceleration.

3 G. Upon any violation of the deferred judgment, other than a
4 technical violation, the court may enter a judgment of guilt and
5 proceed as provided in Section 991a of this title or may modify any
6 condition imposed. Provided, however, if the deferred judgment is
7 for a felony offense, and the defendant commits another felony
8 offense, the defendant shall not be allowed bail pending appeal.

9 H. The deferred judgment procedure described in this section
10 shall apply only to defendants who have not been previously
11 convicted of a felony offense and have not received more than one
12 deferred judgment for a felony offense within the ten (10) years
13 previous to the commission of the pending offense.

14 Provided, the court may waive this prohibition upon written
15 application of the district attorney. Both the application and the
16 waiver shall be made a part of the record of the case.

17 I. The deferred judgment procedure described in this section
18 shall not apply to defendants found guilty or who plead guilty or
19 nolo contendere to a sex offense required by law to register
20 pursuant to the Sex Offenders Registration Act.

21 J. All defendants who are supervised pursuant to this section
22 shall be subject to the sanction process as established in
23 subsection D of Section 991b of this title.

1 K. Notwithstanding the provisions of subsections F and G of
2 this section, a person who is being considered for an acceleration
3 of a deferred judgment for an offense where the penalty has
4 subsequently been lowered to a misdemeanor shall only be subject to
5 a judgment and sentence that would have been applicable had he or
6 she committed the offense after July 1, 2017.

7 SECTION 5. AMENDATORY 22 O.S. 2021, Section 991d, is
8 amended to read as follows:

9 Section 991d. A. ~~1. When the court orders supervision by the~~
10 ~~Department of Corrections, or the district attorney requires the~~
11 ~~Department to supervise any person pursuant to a deferred~~
12 ~~prosecution agreement, the person shall be required to pay a~~
13 ~~supervision fee of Forty Dollars (\$40.00) per month during the~~
14 ~~supervision period, unless the fee would impose an unnecessary~~
15 ~~hardship on the person. In hardship cases, the Department shall~~
16 ~~expressly waive all or part of the fee. The court shall make~~
17 ~~payment of the fee a condition of the sentence which shall be~~
18 ~~imposed whether the supervision is incident to the suspending of~~
19 ~~execution of a sentence, incident to the suspending of imposition of~~
20 ~~a sentence, or incident to the deferral of proceedings after a~~
21 ~~verdict or plea of guilty. The Department shall determine methods~~
22 ~~for payment of supervision fee, and may charge a reasonable user fee~~
23 ~~for collection of supervision fees electronically. The Department~~
24 ~~is required to report to the sentencing court any failure of the~~

1 ~~person to pay supervision fees and to report immediately if the~~
2 ~~person violates any condition of the sentence.~~

3 ~~2. When the court imposes a suspended or deferred sentence for~~
4 ~~any offense and does not order supervision by the Department of~~
5 ~~Corrections, the offender shall be required to pay to the district~~
6 ~~attorney a supervision fee of Forty Dollars (\$40.00) per month as a~~
7 ~~fee to compensate the district attorney for the actual act of~~
8 ~~supervising the offender during the applicable period of~~
9 ~~supervision. In hardship cases, the district attorney shall~~
10 ~~expressly waive all or part of the fee. Any fees collected by the~~
11 ~~district attorney pursuant to this paragraph shall be deposited in~~
12 ~~the General Revenue Fund of the State Treasury.~~

13 ~~3. If restitution is ordered by the court in conjunction with~~
14 ~~supervision, the supervision fee will be paid in addition to the~~
15 ~~restitution ordered. In addition to the restitution payment and~~
16 ~~supervision fee, a reasonable user fee may be charged by the~~
17 ~~Department of Corrections to cover the expenses of administration of~~
18 ~~the restitution, except no user fee shall be collected by the~~
19 ~~Department when restitution payment is collected and disbursed to~~
20 ~~the victim by the office of the district attorney as provided in~~
21 ~~Section 991f of this title or Section 991f-1.1 of this title.~~

22 ~~B. The Pardon and Parole Board shall require a supervision fee~~
23 ~~to be paid by the parolee as a condition of parole which shall be~~
24 ~~paid to the Department of Corrections. The Department shall~~

1 ~~determine the amount of the fee as provided for other persons under~~
2 ~~supervision by the Department.~~

3 ~~C. Upon acceptance of an offender by the Department of~~
4 ~~Corrections whose probation or parole supervision was transferred to~~
5 ~~Oklahoma through the Interstate Compact Agreement, or upon the~~
6 ~~assignment of an inmate to any community placement, a fee shall be~~
7 ~~required to be paid by the offender to the Department of Corrections~~
8 ~~as provided for other persons under supervision of the Department.~~

9 ~~D.~~ Except as provided in subsection A and this subsection, all
10 fees collected pursuant to this section shall be deposited in the
11 Department of Corrections Revolving Fund created pursuant to Section
12 557 of Title 57 of the Oklahoma Statutes. For the fiscal year
13 ending June 30, 1996, fifty percent (50%) of all collections
14 received from offenders placed on supervision after July 1, 1995,
15 shall be transferred to the credit of the General Revenue Fund of
16 the State Treasury until such time as total transfers equal Three
17 Million Three Hundred Thousand Dollars (\$3,300,000.00).

18 SECTION 6. AMENDATORY 28 O.S. 2021, Section 153, is
19 amended to read as follows:

20 Section 153. A. The clerks of the courts shall collect as
21 costs in every criminal case for each offense of which the defendant
22 is convicted, irrespective of whether or not the sentence is
23 deferred, the following flat charges and no more, except for
24 standing and parking violations and for charges otherwise provided

1 for by law, which fee shall cover docketing of the case, filing of
2 all papers, issuance of process, warrants, orders, and other
3 services to the date of judgment:

- 4 1. For each defendant convicted of
5 exceeding the speed limit by at least
6 one (1) mile per hour but not more than
7 ten (10) miles per hour, whether charged
8 individually or conjointly with others\$77.00
- 9 2. For each defendant convicted of a
10 misdemeanor traffic violation other than
11 an offense provided for in paragraph 1
12 or 5 of this subsection, whether charged
13 individually or conjointly with others\$98.00
- 14 3. For each defendant convicted of a
15 misdemeanor, other than for driving
16 under the influence of alcohol or other
17 intoxicating substance or an offense
18 provided for in paragraph 1 or 2 of this
19 subsection, whether charged individually
20 or conjointly with others\$93.00
- 21 4. For each defendant convicted of a
22 felony, other than for driving under the
23 influence of alcohol or other

1 intoxicating substance, whether charged
2 individually or conjointly with others\$103.00

3 5. For each defendant convicted of the
4 misdemeanor of driving under the influence
5 of alcohol or other intoxicating substance,
6 whether charged individually or conjointly
7 with others \$433.00

8 6. For each defendant convicted of the
9 felony of driving under the influence of
10 alcohol or other intoxicating substance,
11 whether charged individually or
12 conjointly with others\$433.00

13 7. For the services of a court reporter at
14 each preliminary hearing and trial held
15 in the case\$20.00

16 8. For each time a jury is requested.....\$30.00

17 9. A sheriff's fee for serving or
18 endeavoring to serve each writ, warrant,
19 order, process, command, or notice or
20 pursuing any fugitive from justice

21 a. within the county..... \$50.00, or
22 mileage as
23 established by the
24 Oklahoma Statutes,

whichever is

greater, or

b. outside of the county..... \$50.00, or

actual, necessary

expenses, whichever

is greater

10. For the services of a language interpreter, other than an interpreter appointed pursuant to the provisions of the Oklahoma Legal Interpreter for the Deaf and Hard-of-Hearing Act, at each hearing held in the case, the actual cost of the interpreter.

B. In addition to the amount collected pursuant to paragraphs 2 through 6 of subsection A of this section, the sum of Six Dollars (\$6.00) shall be assessed and credited to the Law Library Fund pursuant to Section 1201 et seq. of Title 20 of the Oklahoma Statutes.

C. In addition to the amount collected pursuant to subsection A of this section, the sum of Twenty Dollars (\$20.00) shall be assessed and collected in every traffic case for each offense other than for driving under the influence of alcohol or other intoxicating substance; the sum of Thirty Dollars (\$30.00) shall be assessed and collected in every misdemeanor case for each offense; the sum of Thirty Dollars (\$30.00) shall be assessed and collected in every misdemeanor case for each offense for driving under the influence of alcohol or other intoxicating substance; the sum of

1 Fifty Dollars (\$50.00) shall be assessed and collected in every
2 felony case for each offense; and the sum of Fifty Dollars (\$50.00)
3 shall be assessed and collected in every felony case for each
4 offense for driving under the influence of alcohol or other
5 intoxicating substance.

6 D. In addition to the amounts collected pursuant to subsections
7 A and B of this section, the sum of Twenty-five Dollars (\$25.00)
8 shall be assessed and credited to the Oklahoma Court Information
9 System Revolving Fund created pursuant to Section 1315 of Title 20
10 of the Oklahoma Statutes.

11 E. In addition to the amount collected pursuant to paragraphs 1
12 through 6 of subsection A of this section, the sum of Ten Dollars
13 (\$10.00) shall be assessed and credited to the Sheriff's Service Fee
14 Account in the county in which the conviction occurred for the
15 purpose of enhancing existing or providing additional courthouse
16 security.

17 ~~F. In addition to the amounts collected pursuant to paragraphs~~
18 ~~1 through 6 of subsection A of this section, the sum of Three~~
19 ~~Dollars (\$3.00) shall be assessed and credited to the Office of the~~
20 ~~Attorney General Victim Services Unit.~~

21 ~~G. In addition to the amounts collected pursuant to paragraphs~~
22 ~~1 through 6 of subsection A of this section, the sum of Three~~
23 ~~Dollars (\$3.00) shall be assessed and credited to the Child Abuse~~
24

1 ~~Multidisciplinary Account. This fee shall not be used for purposes~~
2 ~~of hiring or employing any law enforcement officers.~~

3 ~~H. In addition to the amount collected pursuant to paragraphs 5~~
4 ~~and 6 of subsection A of this section, the sum of Fifteen Dollars~~
5 ~~(\$15.00) shall be assessed in every misdemeanor or felony case for~~
6 ~~each offense of driving under the influence of alcohol or other~~
7 ~~intoxicating substance and credited to the Oklahoma Impaired Driver~~
8 ~~Database Revolving Fund created pursuant to Section 8 of Enrolled~~
9 ~~House Bill No. 3146 of the 2nd Session of the 55th Oklahoma~~
10 ~~Legislature.~~

11 ~~I.~~ Prior to conviction, parties in criminal cases shall not be
12 required to pay, advance, or post security for the services of a
13 language interpreter or for the issuance or service of process to
14 obtain compulsory attendance of witnesses.

15 ~~J.~~ G. The amounts to be assessed as court costs upon filing of
16 a case shall be those amounts above-stated in paragraph 3 or 4 of
17 subsection A and subsections B, C, D and E of this section.

18 ~~K.~~ H. The fees collected pursuant to this section shall be
19 deposited into the court fund, except the following:

20 1. A court clerk issuing a misdemeanor warrant is entitled to
21 ten percent (10%) of the sheriff's service fee, provided for in
22 paragraph 9 of subsection A of this section, collected on a warrant
23 referred to the contractor for the misdemeanor warrant notification
24 program governed by Sections 514.4 and 514.5 of Title 19 of the

1 Oklahoma Statutes. This ten-percent sum shall be deposited into the
2 issuing Court Clerk's Revolving Fund, created pursuant to Section
3 220 of Title 19 of the Oklahoma Statutes, of the court clerk issuing
4 the warrant with the balance of the sheriff's service fee to be
5 deposited into the Sheriff's Service Fee Account, created pursuant
6 to the provisions of Section 514.1 of Title 19 of the Oklahoma
7 Statutes, of the sheriff in the county in which service is made or
8 attempted. Otherwise, the sheriff's service fee, when collected,
9 shall be deposited in its entirety into the Sheriff's Service Fee
10 Account of the sheriff in the county in which service is made or
11 attempted;

12 2. The sheriff's fee provided for in Section 153.2 of this
13 title;

14 3. The witness fees paid by the district attorney pursuant to
15 the provisions of Section 82 of this title which, if collected by
16 the court clerk, shall be transferred to the district attorney's
17 office in the county where witness attendance was required. Fees
18 transferred pursuant to this paragraph shall be deposited in the
19 district attorney's maintenance and operating expense account;

20 4. The fees provided for in subsection C of this section shall
21 be forwarded to the District Attorneys Council Revolving Fund to
22 defray the costs of prosecution; and

23 5. The following amounts of the fees provided for in paragraphs
24 2, 3, 5 and 6 of subsection A of this section, when collected, shall

1 be deposited in the Trauma Care Assistance Revolving Fund, created
2 pursuant to the provisions of Section 1-2530.9 of Title 63 of the
3 Oklahoma Statutes:

4 a. Ten Dollars (\$10.00) of the Ninety-eight-Dollar fee
5 provided for in paragraph 2 of subsection A of this
6 section,

7 b. Ten Dollars (\$10.00) of the Ninety-three-Dollar fee
8 provided for in paragraph 3 of subsection A of this
9 section,

10 c. One Hundred Dollars (\$100.00) of the Four-Hundred-
11 Thirty-three-Dollar fee provided for in paragraph 5 of
12 subsection A of this section, and

13 d. One Hundred Dollars (\$100.00) of the Four-Hundred-
14 Thirty-three-Dollar fee provided for in paragraph 6 of
15 subsection A of this section.

16 ~~H.~~ I. Costs required to be collected pursuant to this section
17 shall not be dismissed or waived; provided, if the court determines
18 that a person needing the services of a language interpreter is
19 indigent, the court may waive all or part of the costs or require
20 the payment of costs in installments.

21 ~~M.~~ J. As used in this section, "convicted" means any final
22 adjudication of guilt, whether pursuant to a plea of guilty or nolo
23 contendere or otherwise, and any deferred judgment or suspended
24 sentence.

1 ~~N.~~ K. A court clerk may accept in payment for any fee, fine,
2 forfeiture payment, cost, penalty assessment or other charge or
3 collection to be assessed or collected by a court clerk pursuant to
4 this section a nationally recognized credit card or debit card or
5 other electronic payment method as provided in paragraph 1 of
6 subsection B of Section 151 of this title.

7 ~~O.~~ L. Upon receipt of payment of fines and costs for offenses
8 charged prior to July 1, 1992, the court clerk shall apportion and
9 pay Thirteen Dollars (\$13.00) per conviction to the court fund.

10 SECTION 7. AMENDATORY 29 O.S. 2021, Section 9-114, is
11 amended to read as follows:

12 Section 9-114. A. 1. In addition to any other penalties
13 provided for in the Wildlife Bail Procedure Act or any other
14 applicable law, when a person fails to comply with a wildlife
15 citation or a sentence for a violation of wildlife laws or rules,
16 the district court which has jurisdiction of the citation or which
17 issued the sentence shall mail a notice to the person informing them
18 that if they do not appear in the district court or pay all fines,
19 court costs, assessments or fees, and any penalties imposed within
20 thirty (30) days from the date of mailing, the ~~Oklahoma~~ Department
21 of Wildlife Conservation shall be notified to begin procedures to
22 forfeit or suspend any license, permit, stamp or other issue of the
23 Department held by the person.

1 2. Upon receipt of a report from a district court of a failure
2 to comply with a wildlife citation or sentence as set forth in
3 paragraph 1 of this subsection the Department shall suspend or
4 forfeit the license, permit, stamp or other issue of the Department
5 held by the person until satisfactory evidence of compliance with
6 the wildlife citation or sentence of the district court is furnished
7 to the Department by the district court. Upon receipt of
8 notification of compliance from the district court, the Department
9 shall terminate the suspension action, unless the suspension is
10 otherwise required.

11 B. ~~Except as provided for in subsection C of this section, when~~
12 ~~the district court notifies the Department of Wildlife Conservation~~
13 ~~of a failure to comply with a wildlife citation or failure to comply~~
14 ~~with a sentence of the district, the court shall assess a~~
15 ~~reinstatement fee of Fifty Dollars (\$50.00) for each charge or~~
16 ~~sentence on which the person failed to make satisfaction, regardless~~
17 ~~of the disposition of the charge for which the citation was~~
18 ~~originally issued. The reinstatement fee shall be in addition to~~
19 ~~any fine, court costs and other assessments, fees or penalties. The~~
20 ~~district court shall remit all reinstatement fees to the Department~~
21 ~~in accordance with the provisions of state law. The Department~~
22 ~~shall deposit the entire amount of each reinstatement fee in the~~
23 ~~Wildlife General Fund.~~

1 ~~C. The district court shall waive the reinstatement fee~~
2 ~~provided for in subsection B of this section if the failure to~~
3 ~~comply with a wildlife citation was the result of the person~~
4 ~~enlisting in or being drafted into the armed services of the United~~
5 ~~States of America, being called into service as a member of a~~
6 ~~reserve component of the military service of the United States of~~
7 ~~America, volunteering for active duty or being called into service~~
8 ~~as a member of the Oklahoma National Guard or volunteering for~~
9 ~~active duty and being absent from Oklahoma because of military~~
10 ~~service.~~

11 D. A person whose privileges have been suspended as provided
12 for in this section and who hunts, traps or fishes in this state,
13 who applies for or purchases any license or permit to hunt, trap, or
14 fish in this state, or who refuses to surrender any current hunting,
15 trapping or fishing licenses as required pursuant to this section
16 shall be deemed guilty of a misdemeanor and shall be fined not less
17 than One Hundred Dollars (\$100.00) or more than Five Hundred Dollars
18 (\$500.00).

19 SECTION 8. AMENDATORY 63 O.S. 2021, Section 2-401, is
20 amended to read as follows:

21 Section 2-401. A. Except as authorized by the Uniform
22 Controlled Dangerous Substances Act, it shall be unlawful for any
23 person:
24

1 1. To distribute, dispense, transport with intent to distribute
2 or dispense, possess with intent to manufacture, distribute, or
3 dispense, a controlled dangerous substance or to solicit the use of
4 or use the services of a person less than eighteen (18) years of age
5 to cultivate, distribute or dispense a controlled dangerous
6 substance;

7 2. To create, distribute, transport with intent to distribute
8 or dispense, or possess with intent to distribute, a counterfeit
9 controlled dangerous substance; or

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

14 B. Any person who violates the provisions of this section with
15 respect to:

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

1 this paragraph is a felony punishable by a term of imprisonment in
2 the custody of the Department of Corrections for not more than
3 fourteen (14) years. A third or subsequent conviction for the
4 violation of the provisions of this paragraph is a felony punishable
5 by a term of imprisonment in the custody of the Department of
6 Corrections for not more than twenty (20) years;

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

21 3. An imitation controlled substance as defined by Section 2-
22 101 of this title, upon conviction, shall be guilty of a misdemeanor
23 and shall be sentenced to a term of imprisonment in the county jail
24 for a period ~~of~~ not more than one (1) year and a fine ~~of~~ not more

1 than One Thousand Dollars (\$1,000.00). A person convicted of a
2 second violation of the provisions of this paragraph 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 two (2)
5 years and a fine ~~of~~ not more than Five Thousand Dollars (\$5,000.00),
6 which shall be in addition to other punishment provided by law and
7 shall not be imposed in lieu of other punishment.

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

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

20 3. A second conviction for the violation of the provisions of
21 paragraph 1 of this subsection with respect to distributing a
22 controlled substance is a felony punishable by imprisonment in the
23 custody of the Department of Corrections for a term not less than
24 two (2) years nor more than twenty (20) years. A third or
25

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

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

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

22 D. Convictions for violations of the provisions of this section
23 shall be subject to the statutory provisions for suspended or
24

1 deferred sentences, or probation as provided in Section 991a of
2 Title 22 of the Oklahoma Statutes.

3 E. Any person who is at least eighteen (18) years of age and
4 who violates the provisions of this section by using or soliciting
5 the use of services of a person less than eighteen (18) years of age
6 to distribute, dispense, transport with intent to distribute or
7 dispense or cultivate a controlled dangerous substance or by
8 distributing a controlled dangerous substance to a person under
9 eighteen (18) years of age, or in the presence of a person under
10 twelve (12) years of age, is punishable by:

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

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

17 3. For a third or subsequent violation of this section, a term
18 of imprisonment in the custody of the Department of Corrections for
19 not less than ten (10) years nor more than life.

20 F. Any person who violates any provision of this section by
21 transporting with intent to distribute or dispense, distributing or
22 possessing with intent to distribute a controlled dangerous
23 substance to a person, or violation of subsection G of this section,
24 in or on, or within two thousand (2,000) feet of the real property

1 comprising a public or private elementary or secondary school,
2 public vocational school, public or private college or university,
3 or other institution of higher education, recreation center or
4 public park, including state parks and recreation areas, public
5 housing project, or child care facility as defined by Section 402 of
6 Title 10 of the Oklahoma Statutes, shall be punished by:

7 1. For a first offense, a term of imprisonment in the custody
8 of the Department of Corrections, or by the imposition of a fine or
9 by both, not exceeding twice that authorized by the appropriate
10 provision of this section; or

11 2. For a second or subsequent violation of this section, a term
12 of imprisonment in the custody of the Department of Corrections, or
13 by the imposition of a fine or by both, not exceeding thrice that
14 authorized by the appropriate provision of this section.

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

18 G. 1. Except as authorized by the Uniform Controlled Dangerous
19 Substances Act, it shall be unlawful for any person to manufacture
20 or attempt to manufacture any controlled dangerous substance or
21 possess any substance listed in Section 2-322 of this title or any
22 substance containing any detectable amount of pseudoephedrine or its
23 salts, optical isomers or salts of optical isomers, iodine or its
24 salts, optical isomers or salts of optical isomers, hydriodic acid,

1 sodium metal, lithium metal, anhydrous ammonia, phosphorus, or
2 organic solvents with the intent to use that substance to
3 manufacture a controlled dangerous substance.

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

16 3. Any person violating the provisions of this subsection with
17 respect to the unlawful manufacturing or attempting to unlawfully
18 manufacture any controlled dangerous substance in the following
19 amounts:

- 20 a. one (1) kilogram or more of a mixture or substance
21 containing a detectable amount of heroin,
- 22 b. five (5) kilograms or more of a mixture or substance
23 containing a detectable amount of:

1 (1) coca leaves, except coca leaves and extracts of
2 coca leaves from which cocaine, ecgonine, and
3 derivatives of ecgonine or their salts have been
4 removed,

5 (2) cocaine, its salts, optical and geometric
6 isomers, and salts of isomers,

7 (3) ecgonine, its derivatives, their salts, isomers,
8 and salts of isomers, or

9 (4) any compound, mixture, or preparation which
10 contains any quantity of any of the substances
11 referred to in divisions (1) through (3) of this
12 subparagraph,

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

16 d. one hundred (100) grams or more of phencyclidine (PCP)
17 or 1 kilogram or more of a mixture or substance
18 containing a detectable amount of phencyclidine (PCP),

19 e. ten (10) grams or more of a mixture or substance
20 containing a detectable amount of lysergic acid
21 diethylamide (LSD),

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

1 grams or more of a mixture or substance containing a
2 detectable amount of any analogue of N-phenyl-N-[1-(2-
3 phenylethyl)-4-piperidinyl] propanamide,

4 g. one thousand (1,000) kilograms or more of a mixture or
5 substance containing a detectable amount of ~~marihuana~~
6 marijuana or one thousand (1000) or more ~~marihuana~~
7 marijuana plants regardless of weight, or

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

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

23 4. Any sentence to the custody of the Department of Corrections
24 for any violation of paragraph 3 of this subsection shall not be

1 subject to statutory provisions for suspended sentences, deferred
2 sentences, or probation. A person convicted of a second or
3 subsequent violation of the provisions of paragraph 3 of this
4 subsection shall be punished as a habitual offender pursuant to
5 Section 51.1 of Title 21 of the Oklahoma Statutes and shall be
6 required to serve a minimum of eighty-five percent (85%) of the
7 sentence received prior to becoming eligible for state correctional
8 earned credits or eligibility for parole.

9 5. Any person who has been convicted of manufacturing or
10 attempting to manufacture methamphetamine pursuant to the provisions
11 of this subsection and who, after such conviction, purchases or
12 attempts to purchase, receive or otherwise acquire any product,
13 mixture, or preparation containing any detectable quantity of base
14 pseudoephedrine or ephedrine shall, upon conviction, be guilty of a
15 felony punishable by imprisonment in the custody of the Department
16 of Corrections for a term in the range of twice the minimum term
17 provided for in paragraph 2 of this subsection.

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

1 I. ~~Any person convicted of any offense described in this~~
2 ~~section shall, in addition to any fine imposed, pay a special~~
3 ~~assessment trauma-care fee of One Hundred Dollars (\$100.00) to be~~
4 ~~deposited into the Trauma Care Assistance Revolving Fund created in~~
5 ~~Section 1-2522 of this title.~~

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

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

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

1 SECTION 9. AMENDATORY 63 O.S. 2021, Section 2-402, as
2 last amended by Section 1, Chapter 220, O.S.L. 2016, is amended to
3 read as follows:

4 Section 2-402. A. 1. It shall be unlawful for any person
5 knowingly or intentionally to possess a controlled dangerous
6 substance unless such substance was obtained directly, or pursuant
7 to a valid prescription or order from a practitioner, while acting
8 in the course of his or her professional practice, or except as
9 otherwise authorized by this act.

10 2. It shall be unlawful for any person to purchase any
11 preparation excepted from the provisions of the Uniform Controlled
12 Dangerous Substances Act pursuant to Section 2-313 of this title in
13 an amount or within a time interval other than that permitted by
14 Section 2-313 of this title.

15 3. It shall be unlawful for any person or business to sell,
16 market, advertise or label any product containing ephedrine, its
17 salts, optical isomers, or salts of optical isomers, for the
18 indication of stimulation, mental alertness, weight loss, appetite
19 control, muscle development, energy or other indication which is not
20 approved by the pertinent federal OTC Final Monograph, Tentative
21 Final Monograph, or FDA-approved new drug application or its legal
22 equivalent. In determining compliance with this requirement, the
23 following factors shall be considered:

24 a. the packaging of the product,

- 1 b. the name of the product, and
2 c. the distribution and promotion of the product,
3 including verbal representations made at the point of
4 sale.

5 B. Any person who violates this section with respect to:

6 1. Any Schedule I or II substance, except marijuana or a
7 substance included in subsection D of Section 2-206 of this title,
8 is guilty of a felony punishable by imprisonment for not more than
9 five (5) years and by a fine not exceeding Five Thousand Dollars
10 (\$5,000.00). A second violation of this section with respect to a
11 Schedule I or II substance, except marijuana or a substance included
12 in subsection D of Section 2-206 of this title, is a felony
13 punishable by imprisonment for not more than ten (10) years and by a
14 fine not exceeding Ten Thousand Dollars (\$10,000.00). A third or
15 subsequent violation of this section with respect to a Schedule I or
16 II substance, except marijuana or a substance included in subsection
17 D of Section 2-206 of this title, is a felony punishable by
18 imprisonment for not less than four (4) years nor more than fifteen
19 (15) years and by a fine not exceeding Ten Thousand Dollars
20 (\$10,000.00);

21 2. Any Schedule III, IV or V substance, marijuana, a substance
22 included in subsection D of Section 2-206 of this title, or any
23 preparation excepted from the provisions of the Uniform Controlled
24 Dangerous Substances Act is guilty of a misdemeanor punishable by
25

1 confinement for not more than one (1) year and by a fine not
2 exceeding One Thousand Dollars (\$1,000.00);

3 3. Any Schedule III, IV or V substance, marijuana, a substance
4 included in subsection D of Section 2-206 of this title, or any
5 preparation excepted from the provisions of the Uniform Controlled
6 Dangerous Substances Act and who, during the period of any court-
7 imposed probationary term or within ten (10) years of the date
8 following the completion of the execution of any sentence or
9 deferred judgment for a violation of this section, commits a second
10 or subsequent violation of this section shall, upon conviction, be
11 guilty of a felony punishable by imprisonment in the custody of the
12 Department of Corrections for not less than one (1) year nor more
13 than five (5) years and by a fine not exceeding Five Thousand
14 Dollars (\$5,000.00); or

15 4. Any Schedule III, IV or V substance, marijuana, a substance
16 included in subsection D of Section 2-206 of this title, or any
17 preparation excepted from the provisions of the Uniform Controlled
18 Dangerous Substances Act and who, ten (10) or more years following
19 the date of completion of the execution of any sentence or deferred
20 judgment for a violation of this section, commits a second or
21 subsequent violation of this section shall, upon conviction, be
22 guilty of a felony punishable by imprisonment in the custody of the
23 Department of Corrections for not less than one (1) year nor more
24

1 than five (5) years and by a fine not exceeding Five Thousand
2 Dollars (\$5,000.00).

3 C. Any person who violates any provision of this section by
4 possessing or purchasing a controlled dangerous substance from any
5 person, in or on, or within one thousand (1,000) feet of the real
6 property comprising a public or private elementary or secondary
7 school, public vocational school, public or private college or
8 university, or other institution of higher education, recreation
9 center or public park, including state parks and recreation areas,
10 or in the presence of any child under twelve (12) years of age,
11 shall be guilty of a felony and punished by:

12 1. For a first offense, a term of imprisonment, or by the
13 imposition of a fine, or by both, not exceeding twice that
14 authorized by the appropriate provision of this section. In
15 addition, the person shall serve a minimum of fifty percent (50%) of
16 the sentence received prior to becoming eligible for state
17 correctional institution earned credits toward the completion of
18 ~~said~~ the sentence; or

19 2. For a second or subsequent offense, a term of imprisonment
20 not exceeding three times that authorized by the appropriate
21 provision of this section and the person shall serve a minimum of
22 ninety percent (90%) of the sentence received prior to becoming
23 eligible for state correctional institution earned credits toward
24

1 the completion of ~~said~~ the sentence, and imposition of a fine not
2 exceeding Ten Thousand Dollars (\$10,000.00).

3 ~~D. Any person convicted of any offense described in this~~
4 ~~section shall, in addition to any fine imposed, pay a special~~
5 ~~assessment trauma-care fee of One Hundred Dollars (\$100.00) to be~~
6 ~~deposited into the Trauma Care Assistance Revolving Fund created in~~
7 ~~Section 1-2530.9 of this title.~~

8 SECTION 10. AMENDATORY 63 O.S. 2021, Section 2-404, is
9 amended to read as follows:

10 Section 2-404. A. It shall be unlawful for any person:

11 1. Who is subject to the requirements of ~~Article III of this~~
12 ~~act~~ Section 2-301 et seq. of this title to distribute or dispense a
13 controlled dangerous substance in violation of Section 2-308 of this
14 title;

15 2. Who is a registrant to manufacture, distribute, or dispense
16 a controlled dangerous substance not authorized by his registration
17 to another registrant or other authorized person;

18 3. To omit, remove, alter, or obliterate a symbol required by
19 the Federal Controlled Substances Act or ~~this act~~ Section 2-101 et
20 seq. of this title;

21 4. To refuse or fail to make, keep, or furnish any record,
22 notification, order form, statement, invoice, or information
23 required under ~~this act~~ Section 2-101 et seq. of this title;

1 5. To refuse any entry into any premises or inspection
2 authorized by ~~this act~~ Section 2-101 et seq. of this title; or

3 6. To keep or maintain any store, shop, warehouse, dwelling
4 house, building, vehicle, boat, aircraft, or any place whatever,
5 which is resorted to by persons using controlled dangerous
6 substances in violation of ~~this act~~ Section 2-101 et seq. of this
7 title for the purpose of using such substances, or which is used for
8 the keeping or selling of the same in violation of ~~this act~~ Section
9 2-101 et seq. of this title.

10 B. Any person who violates this section is punishable by a
11 civil fine ~~of~~ not more than One Thousand Dollars (\$1,000.00);
12 provided, that, if the violation is prosecuted by an information or
13 indictment which alleges that the violation was committed knowingly
14 or intentionally, and the trier of fact specifically finds that the
15 violation was committed knowingly or intentionally, such person is
16 guilty of a felony punishable by imprisonment for not more than five
17 (5) years, and a fine ~~of~~ not more than Ten Thousand Dollars
18 (\$10,000.00), except that if such person is a corporation it shall
19 be subject to a civil penalty ~~of~~ not more than One Hundred Thousand
20 Dollars (\$100,000.00). The fine provided for in this subsection
21 shall be in addition to other punishments provided by law and shall
22 not be in lieu of other punishment.

23 C. Any person convicted of a second or subsequent violation of
24 this section is punishable by a term of imprisonment twice that
25

1 otherwise authorized and by twice the fine otherwise authorized.
2 The fine provided for in this subsection shall be in addition to
3 other punishments provided by law and shall not be in lieu of other
4 punishment.

5 ~~D. Any person convicted of any offense described in this~~
6 ~~section shall, in addition to any fine imposed, pay a special~~
7 ~~assessment trauma care fee of One Hundred Dollars (\$100.00) to be~~
8 ~~deposited into the Trauma Care Assistance Revolving Fund created in~~
9 ~~Section 1-2522 of this title.~~

10 SECTION 11. AMENDATORY 63 O.S. 2021, Section 2-405, is
11 amended to read as follows:

12 Section 2-405. A. No person shall use tincture of opium,
13 tincture of opium camphorated, or any derivative thereof, by the
14 hypodermic method, either with or without a medical prescription
15 therefor.

16 B. No person shall use drug paraphernalia to plant, propagate,
17 cultivate, grow, harvest, manufacture, compound, convert, produce,
18 process, prepare, test, analyze, pack, repack, store, contain,
19 conceal, inject, ingest, inhale or otherwise introduce into the
20 human body a controlled dangerous substance in violation of the
21 Uniform Controlled Dangerous Substances Act, except those persons
22 holding an unrevoked license in the professions of podiatry,
23 dentistry, medicine, nursing, optometry, osteopathy, veterinary
24 medicine or pharmacy.

1 C. No person shall deliver, sell, possess or manufacture drug
2 paraphernalia knowing, or under circumstances where one reasonably
3 should know, that it will be used to plant, propagate, cultivate,
4 grow, harvest, manufacture, compound, convert, produce, process,
5 prepare, test, analyze, pack, repack, store, contain, conceal,
6 inject, ingest, inhale or otherwise introduce into the human body a
7 controlled dangerous substance in violation of the Uniform
8 Controlled Dangerous Substances Act.

9 D. Any person eighteen (18) years of age or over who violates
10 subsection C of this section by delivering or selling drug
11 paraphernalia to a person under eighteen (18) years of age shall,
12 upon conviction, be guilty of a felony.

13 E. Any person who violates subsections A, B or C of this
14 section shall, upon conviction, be guilty of a misdemeanor
15 punishable as follows:

16 1. For a first offense the person shall be punished by
17 imprisonment in the county jail for not more than one (1) year or by
18 a fine ~~of~~ not more than One Thousand Dollars (\$1,000.00), or both
19 such fine and imprisonment;

20 2. For a second offense the person shall be punished by
21 imprisonment in the county jail for not more than one (1) year or by
22 a fine ~~of~~ not more than Five Thousand Dollars (\$5,000.00), or both
23 such fine and imprisonment; and
24

1 3. For a third or subsequent offense the person shall be
2 punished by imprisonment in the county jail for not more than one
3 (1) year or by a fine ~~of~~ not more than Ten Thousand Dollars
4 (\$10,000.00), or both such fine and imprisonment.

5 ~~F. Any person convicted of any offense described in this~~
6 ~~section shall, in addition to any fine imposed, pay a special~~
7 ~~assessment trauma care fee of One Hundred Dollars (\$100.00) to be~~
8 ~~deposited into the Trauma Care Assistance Revolving Fund created in~~
9 ~~Section 1-2522 of this title.~~

10 SECTION 12. AMENDATORY 63 O.S. 2021, Section 2-406, is
11 amended to read as follows:

12 Section 2-406. A. It shall be unlawful for any registrant
13 knowingly or intentionally:

14 1. To distribute, other than by dispensing or as otherwise
15 authorized by ~~this act~~ Section 2-101 et seq. of this title, a
16 controlled dangerous substance classified in Schedules I or II, in
17 the course of his legitimate business, except pursuant to an order
18 form as required by Section 2-308 of this title;

19 2. To use in the course of the manufacture or distribution of a
20 controlled dangerous substance a registration number which is
21 fictitious, revoked, suspended or issued to another person;

22 3. To acquire or obtain possession of a controlled dangerous
23 substance by misrepresentation, fraud, forgery, deception or
24 subterfuge;

1 4. To furnish false or fraudulent material information in, or
2 omit any material information from, any application, report, or
3 other document required to be kept or filed under ~~this act~~ Section
4 2-101 et seq. of this title, or any record required to be kept by
5 ~~this act~~ Section 2-101 et seq. of this title; and

6 5. To make, distribute, or possess any punch, die, plate,
7 stone, or other thing designed to print, imprint, or reproduce the
8 trademark, trade name, or other identifying mark, imprint, or device
9 of another or any likeness of any of the foregoing upon any drug or
10 container or labeling thereof so as to render such drug a
11 counterfeit controlled dangerous substance.

12 B. Any person who violates this section is guilty of a felony
13 punishable by imprisonment for not more than twenty (20) years or a
14 fine ~~of~~ not more than Two Hundred Fifty Thousand Dollars
15 (\$250,000.00), or both.

16 C. Any person convicted of a second or subsequent violation of
17 this section is punishable by a term of imprisonment twice that
18 otherwise authorized and by twice the fine otherwise authorized.
19 Convictions for second or subsequent violations of this section
20 shall not be subject to statutory provisions for suspended
21 sentences, deferred sentences, or probation.

22 ~~D. 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 1-2522 of this title.~~

3 SECTION 13. AMENDATORY 63 O.S. 2021, Section 2-407, is
4 amended to read as follows:

5 Section 2-407. A. No person shall obtain or attempt to obtain
6 any preparation excepted from the provisions of the Uniform
7 Controlled Dangerous Substances Act pursuant to Section 2-313 of
8 this title in a manner inconsistent with the provisions of paragraph
9 1 of subsection B of Section 2-313 of this title, or a controlled
10 dangerous substance or procure or attempt to procure the
11 administration of a controlled dangerous substance:

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

13 2. By the forgery of, alteration of, adding any information to
14 or changing any information on a prescription or of any written
15 order;

16 3. By the concealment of a material fact;

17 4. By the use of a false name or the giving of a false address;
18 or

19 5. By knowingly failing to disclose the receipt of a controlled
20 dangerous substance or a prescription for a controlled dangerous
21 substance of the same or similar therapeutic use from another
22 practitioner within the previous thirty (30) days.

23 B. Except as authorized by ~~this act~~ Section 2-101 et seq. of
24 this title, a person shall not manufacture, create, deliver, or

1 possess with intent to manufacture, create, or deliver or possess a
2 prescription form, an original prescription form, or a counterfeit
3 prescription form. This shall not apply to the legitimate
4 manufacture or delivery of prescription forms, or a person acting as
5 an authorized agent of the practitioner.

6 C. Information communicated to a physician in an effort
7 unlawfully to procure a controlled dangerous substance, or
8 unlawfully to procure the administration of any such drug, shall not
9 be deemed a privileged communication.

10 D. Any person who violates this section is guilty of a felony
11 punishable by imprisonment for not more than ten (10) years, by a
12 fine of not more than Ten Thousand Dollars (\$10,000.00), or by both
13 such fine and imprisonment. A second or subsequent offense under
14 this section is a felony punishable by imprisonment for not less
15 than four (4) years nor more than twenty (20) years, by a fine of
16 not more than Twenty Thousand Dollars (\$20,000.00), or by both such
17 fine and imprisonment.

18 E. Convictions for second or subsequent violations of this
19 section shall not be subject to statutory provisions for suspended
20 sentences, deferred sentences, or probation.

21 ~~F. 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~~

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

3 SECTION 14. AMENDATORY 63 O.S. 2021, Section 2-407.1, is
4 amended to read as follows:

5 Section 2-407.1. A. For the purpose of inducing intoxication
6 or distortion or disturbance of the auditory, visual, muscular, or
7 mental process, no person shall ingest, use, or possess any
8 compound, liquid, or chemical which contains ethylchloride, butyl
9 nitrite, isobutyl nitrite, secondary butyl nitrite, tertiary butyl
10 nitrite, amyl nitrite, isopropyl nitrite, isopentyl nitrite, or
11 mixtures containing butyl nitrite, isobutyl nitrite, secondary butyl
12 nitrite, tertiary butyl nitrite, amyl nitrite, isopropyl nitrite,
13 isopentyl nitrite, or any of their esters, isomers, or analogues, or
14 any other similar compound.

15 B. No person shall possess, buy, sell, or otherwise transfer
16 any substance specified in subsection A of this section for the
17 purpose of inducing or aiding any other person to inhale or ingest
18 such substance or otherwise violate the provisions of this section.

19 C. The provisions of subsections A and B of this section shall
20 not apply to:

21 1. The possession and use of a substance specified in
22 subsection A of this section which is used as part of the care or
23 treatment by a licensed physician of a disease, condition or injury
24 or pursuant to a prescription of a licensed physician; and

1 2. The possession of a substance specified in subsection A of
2 this section which is used as part of a known manufacturing process
3 or industrial operation when the possessor has obtained a permit
4 from the State Department of Health.

5 D. The State Board of Health shall promulgate rules and
6 regulations establishing procedures for the application, form and
7 issuance of a permit to legitimate manufacturing and industrial
8 applicants as provided for in subsection C of this section.

9 E. Any person convicted of violating any provision of
10 subsection A or B of this section shall be guilty of a misdemeanor
11 punishable by imprisonment in the county jail not to exceed ninety
12 (90) days or by the imposition of a fine not to exceed Five Hundred
13 Dollars (\$500.00), or by both such imprisonment and fine. Each
14 violation shall be considered a separate offense.

15 ~~F. 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 1-2522 of this title.~~

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

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

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

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

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

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. Marijuana:

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

22 b. one thousand (1,000) pounds or more of a mixture or
23 substance containing a detectable amount of marijuana
24 shall be deemed aggravated trafficking punishable by a
25

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

4 2. Cocaine, coca leaves or cocaine base:

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

11 b. three hundred (300) grams or more of a mixture or
12 substance containing a detectable amount of cocaine,
13 coca leaves or cocaine base shall be punishable by a
14 fine ~~of~~ not less than One Hundred Thousand Dollars
15 (\$100,000.00) 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 cocaine,
19 coca leaves or cocaine base shall be deemed aggravated
20 trafficking punishable by a fine ~~of~~ not less than One
21 Hundred Thousand Dollars (\$100,000.00) and not more
22 than Five Hundred Thousand Dollars (\$500,000.00);

23 3. Heroin:
24
25

- 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
25

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 fifty (3,750)
2 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:

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 Two Hundred Fifty
22 Thousand Dollars (\$250,000.00), or

23 b. five (5) grams or more of a mixture containing
24 fentanyl or carfentanil, or any fentanyl analogs or
25

1 derivatives shall be aggravated trafficking punishable
2 by a term of imprisonment in the custody of the
3 Department of Corrections ~~of~~ not less than two (2)
4 years nor more than life and by a fine ~~of~~ not less
5 than Two Hundred Fifty Thousand Dollars (\$250,000.00)
6 and not more than Five Hundred Thousand Dollars
7 (\$500,000.00).

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

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

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

22 3. For trafficking, a third or subsequent violation of this
23 section, a term of imprisonment in the custody of the Department of
24 Corrections ~~of~~ not less than twenty (20) years nor more than life,
25

1 of which the person shall serve fifty percent (50%) of the sentence
2 before being eligible for parole consideration.

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

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

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

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

19 SECTION 16. REPEALER 19 O.S. 2021, Section 339.7, is
20 hereby repealed.

21 SECTION 17. REPEALER 20 O.S. 2021, Section 1313.3, is
22 hereby repealed.

23 SECTION 18. REPEALER 20 O.S. 2021, Section 1313.4, is
24 here by repealed.

1 SECTION 19. REPEALER 20 O.S. 2021, Section 1313.7, is
2 hereby repealed.

3 SECTION 20. REPEALER 47 O.S. 2021, Section 11-403.1, is
4 hereby repealed.

5 SECTION 21. REPEALER 63 O.S. 2021, Section 2-503.2, is
6 hereby repealed.

7 SECTION 22. REPEALER 70 O.S. 2021, Section 18-118.1, is
8 hereby repealed.

9 SECTION 23. This act shall become effective January 1, 2023.

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11 58-2-3118 BG 1/19/2022 6:59:35 PM
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