

1 STATE OF OKLAHOMA

2 1st Session of the 59th Legislature (2023)

3 COMMITTEE SUBSTITUTE

4 FOR

5 HOUSE BILL NO. 1777

By: Williams of the House

and

Thompson (Roger) of the
Senate

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10 COMMITTEE SUBSTITUTE

11 [fees and fines - Fines Assessed and Imposed

12 Reasonably (FAIR) Act - criminal cases - Drug Abuse

13 Education and Treatment Revolving Fund - repealer -

14 effective date]

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

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

20 This act shall be known and may be cited as the "Fines Assessed
21 and Imposed Reasonably (FAIR) Act".

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

24 Section 1313.2 A. As used in this section:

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

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

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

8 4. "DNA" means Deoxyribonucleic acid.

9 B. Any person convicted of an offense including traffic
10 offenses but excluding parking and standing violations, punishable
11 by a fine of Ten Dollars (\$10.00) or more or by incarceration or any
12 person forfeiting bond when charged with such an offense, ~~shall~~ by a
13 city or county that conducts satellite CLEET academies, may be
14 ordered by the court to pay ~~Ten Dollars (\$10.00)~~ Two Dollars (\$2.00)
15 as a separate fee, which fee 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 C. 1. Any person convicted of any misdemeanor or felony
19 offense shall pay a Laboratory Analysis Fee in the amount of One
20 Hundred Fifty Dollars (\$150.00) for each offense if forensic science
21 or laboratory services are rendered or administered by the Oklahoma
22 State Bureau of Investigation (OSBI), by the Toxicology Laboratory
23 of the Office of the Chief Medical Examiner or by any municipality
24 or county in connection with the case. This fee shall be in

1 addition to and not a substitution for any and all fines and
2 penalties otherwise provided for by law for this offense.

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

7 a. the OSBI who shall deposit the monies into the OSBI
8 Revolving Fund provided for in Section 150.19a of
9 Title 74 of the Oklahoma Statutes for services
10 rendered or administered by the OSBI,

11 b. the Office of the Chief Medical Examiner who shall
12 deposit the monies into the Chief Medical Examiner
13 Revolving Fund provided for in Section 948 of Title 63
14 of the Oklahoma Statutes for services rendered or
15 administered by the Office of the Chief Medical
16 Examiner, or

17 c. the appropriate municipality or county for services
18 rendered or administered by a municipality or county.

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

21 a. providing criminalistic laboratory services,

22 b. the purchase and maintenance of equipment for use by
23 the laboratory in performing analysis,

24

1 c. education, training, and scientific development of
2 OSBI personnel, and

3 d. the destruction of seized property and chemicals as
4 prescribed in Sections 2-505 and 2-508 of Title 63 of
5 the Oklahoma Statutes.

6 ~~D. Upon conviction or bond forfeiture, the court shall collect~~
7 ~~the fee provided for in subsection B of this section and deposit it~~
8 ~~in an account created for that purpose. Except as otherwise~~
9 ~~provided in subsection E of this section, monies shall be forwarded~~
10 ~~monthly by the court clerk to the Council on Law Enforcement~~
11 ~~Education and Training (CLEET). Beginning July 1, 2003, deposits~~
12 ~~shall be due on the fifteenth day of each month for the preceding~~
13 ~~calendar month. There shall be a late fee imposed for failure to~~
14 ~~make timely deposits; provided, CLEET, in its discretion, may waive~~
15 ~~all or part of the late fee. Such late fee shall be one percent~~
16 ~~(1%) of the principal amount due per day beginning from the tenth~~
17 ~~day after payment is due and accumulating until the late fee reaches~~
18 ~~one hundred percent (100%) of the principal amount due. Beginning~~
19 ~~on July 1, 1987, ninety percent (90%) of the monies received by~~
20 ~~CLEET from the court clerks pursuant to this section shall be~~
21 ~~deposited in the CLEET Fund, and ten percent (10%) shall be~~
22 ~~deposited in the General Revenue Fund. Beginning January 1, 2001,~~
23 ~~sixty and fifty-three one-hundredths percent (60.53%) of the monies~~
24 ~~received by CLEET from the court clerks pursuant to this section~~

1 ~~shall be deposited in the CLEET Fund created pursuant to subsection~~
2 ~~G of this section, five and eighty-three one-hundredths percent~~
3 ~~(5.83%) shall be deposited in the General Revenue Fund and thirty-~~
4 ~~three and sixty-four one-hundredths percent (33.64%) shall be~~
5 ~~deposited in the CLEET Training Center Revolving Fund created~~
6 ~~pursuant to Section 3311.6 of Title 70 of the Oklahoma Statutes.~~
7 ~~Along with the deposits required by this subsection, each court~~
8 ~~shall also submit a report stating the total amount of funds~~
9 ~~collected and the total number of fees imposed during the preceding~~
10 ~~quarter. The report may be made on computerized or manual~~
11 ~~disposition reports.~~

12 ~~E.~~ Any municipality or county having a basic law enforcement
13 academy approved by CLEET pursuant to the criteria developed by
14 CLEET for training law enforcement officers shall retain from monies
15 collected pursuant to subsections A through ~~D~~ C of this section, Two
16 Dollars (\$2.00) from each fee. These monies shall be deposited into
17 an account for the sole use of the municipality or county in
18 implementing its law enforcement training functions. Not more than
19 seven percent (7%) of the monies shall be used for court and
20 prosecution training. ~~The court clerk of any such municipality or~~
21 ~~county shall furnish to CLEET the report required by subsection D of~~
22 ~~this section.~~

23 ~~F. 1. Any person entering a plea of guilty or nolo contendere~~
24 ~~or is found guilty of the crime of misdemeanor possession of~~

1 ~~marijuana or drug paraphernalia shall be ordered by the court to pay~~
2 ~~a five dollar fee, which shall be in addition to and not in~~
3 ~~substitution for any and all fines and penalties otherwise provided~~
4 ~~for by law for such offense.~~

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

10 G. E. There is hereby created in the State Treasury a fund for
11 the Council on Law Enforcement Education and Training to be
12 designated the "CLEET Fund". The fund shall be subject to
13 legislative appropriation and shall consist of any monies received
14 from fees and receipts collected pursuant to the Oklahoma Open
15 Records Act, reimbursements for parts used in the repair of weapons
16 of law enforcement officers attending the basic academies, gifts,
17 bequests, contributions, tuition, fees, devises and the assessments
18 levied pursuant to the fund pursuant to law.

19 H. F. 1. Any person arrested or convicted of a felony offense
20 or convicted of a misdemeanor offense of assault and battery,
21 domestic abuse, stalking, possession of a controlled substance
22 prohibited under Schedule IV of the Uniform Controlled Dangerous
23 Substances Act, outraging public decency, resisting arrest, escaping
24 or attempting to escape, eluding a police officer, Peeping Tom,

1 pointing a firearm, threatening an act of violence, breaking and
2 entering a dwelling place, destruction of property, negligent
3 homicide or causing a personal injury accident while driving under
4 the influence of any intoxicating substance shall pay a DNA fee of
5 One Hundred Fifty Dollars (\$150.00). This fee shall not be
6 collected if the person has a valid DNA sample in the OSBI DNA
7 Offender Database at the time of sentencing.

8 2. The court clerk shall cause to be deposited the amount of
9 One Hundred Fifty Dollars (\$150.00) as collected for every felony
10 arrest, felony conviction or every conviction for a misdemeanor
11 offense of assault and battery, domestic abuse, stalking, possession
12 of a controlled substance prohibited under the Uniform Controlled
13 Dangerous Substances Act, outraging public decency, resisting
14 arrest, escaping or attempting to escape, eluding a police officer,
15 Peeping Tom, pointing a firearm, threatening an act of violence,
16 breaking and entering a dwelling place, destruction of property,
17 negligent homicide or causing a personal injury accident while
18 driving under the influence of any intoxicating substance as
19 described in this subsection. The court clerk shall remit the
20 monies in the fund on a monthly basis directly to the OSBI who shall
21 deposit the monies into the OSBI Revolving Fund provided for in
22 Section 150.19a of Title 74 of the Oklahoma Statutes for services
23 rendered or administered by the OSBI.

24

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

5 ~~F.~~ G. It shall be the responsibility of the court clerk to
6 account for and ensure the correctness and accuracy of payments made
7 to the state agencies identified in Sections 1313.2 through 1313.4
8 of this title. Payments made directly to an agency by the court
9 clerk as a result of different types of assessments and fees
10 pursuant to Sections 1313.2 through 1313.4 of this title shall be
11 made monthly to each state agency.

12 SECTION 3. AMENDATORY 22 O.S. 2021, Section 988.9, is
13 amended to read as follows:

14 Section 988.9 A. ~~Any offender sentenced to a community~~
15 ~~sentence pursuant to the Oklahoma Community Sentencing Act which~~
16 ~~requires supervision shall be required to pay a supervision fee.~~
17 ~~The supervising agency shall establish the fee amount, not to exceed~~
18 ~~Forty Dollars (\$40.00) per month, based upon the offender's ability~~
19 ~~to pay. In hardship cases the supervising agency may expressly~~
20 ~~waive all or part of the fee. No supervising agency participating~~
21 ~~in a local community sentencing system shall deny any offender~~
22 ~~supervision services for the sole reason that the offender is~~
23 ~~indigent. Fees collected for supervision services performed by the~~
24 ~~Department of Corrections shall be paid directly to the Department~~

1 ~~to be deposited in the Department of Corrections Revolving Fund.~~
2 ~~Supervision services performed by contracted providers other than~~
3 ~~the Department shall be paid directly to that contracted provider.~~

4 ~~B.~~ In addition to any supervision fee, eligible Eligible
5 offenders participating in a local community sentencing system under
6 a court-ordered community punishment shall be required to pay an
7 administrative fee to support the local system which shall not
8 exceed Twenty Dollars (\$20.00) per month to be set by the court.
9 Administrative fees when collected shall be deposited with the
10 Community Sentencing Division within the Department of Corrections
11 and credited to the local community sentencing system for support
12 and expansion of the local community corrections system. In the
13 event the court fails to order the amount of the administrative fee,
14 the fee shall be Twenty Dollars (\$20.00) per month.

15 ~~C.~~ B. In addition to any ~~supervision fee~~ and administrative fee
16 authorized by this section, the court shall assess court costs, and
17 may assess program reimbursement costs, restitution, and fines to be
18 paid by the offender. With the exception of supervision fees, other
19 fees, costs, fines, restitution, or monetary obligations ordered to
20 be paid by the offender shall not cease with the termination of
21 active supervision and such obligations shall continue until fully
22 paid and may be collected in the same manner as court costs.

23 SECTION 4. AMENDATORY 22 O.S. 2021, Section 991c, is
24 amended to read as follows:

1 Section 991c. A. Upon a verdict or plea of guilty or upon a
2 plea of nolo contendere, but before a judgment of guilt, the court
3 may, without entering a judgment of guilt and with the consent of
4 the defendant, defer further proceedings upon the specific
5 conditions prescribed by the court not to exceed a seven-year
6 period, except as authorized under subsection B of this section.
7 The court shall first consider restitution among the various
8 conditions it may prescribe. The court may also consider ordering
9 the defendant to:

10 1. Pay court costs;

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

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

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

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

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

23 7. Be supervised in the community for a period not to exceed
24 eighteen (18) months, unless a petition alleging violation of any

1 condition of deferred judgment is filed during the period of
2 supervision. ~~As a condition of any supervision, the defendant shall~~
3 ~~be required to pay a supervision fee of Forty Dollars (\$40.00) per~~
4 ~~month. The supervision fee shall be waived in whole or part by the~~
5 ~~supervisory agency when the accused is indigent. Any fees collected~~
6 ~~by the district attorney pursuant to this paragraph shall be~~
7 ~~deposited in the General Revenue Fund of the State Treasury. No~~
8 ~~person shall be denied supervision based solely on the inability of~~
9 ~~the person to pay a fee;~~

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

16 9. ~~Make other reparations to the community or victim as~~
17 ~~required and deemed appropriate by the court;~~

18 ~~10.~~ 9. ~~Order any conditions which can be imposed for a~~
19 ~~suspended sentence pursuant to paragraph 1 of subsection A of~~
20 ~~Section 991a of this title; or~~

21 ~~11.~~ 10. ~~Any combination of the above provisions.~~

22 ~~However, unless under the supervision of the district attorney,~~
23 ~~the offender shall be required to pay Forty Dollars (\$40.00) per~~
24 ~~month to the district attorney during the first two (2) years of~~

1 ~~probation to compensate the district attorney for the costs incurred~~
2 ~~during the prosecution of the offender and for the additional work~~
3 ~~of verifying the compliance of the offender with the rules and~~
4 ~~conditions of his or her probation. The district attorney may waive~~
5 ~~any part of this requirement in the best interests of justice. The~~
6 ~~court shall not waive, suspend, defer or dismiss the costs of~~
7 ~~prosecution in its entirety. However, if the court determines that~~
8 ~~a reduction in the fine, costs and costs of prosecution is~~
9 ~~warranted, the court shall equally apply the same percentage~~
10 ~~reduction to the fine, costs and costs of prosecution owed by the~~
11 ~~offender. Any fees collected by the district attorney pursuant to~~
12 ~~this paragraph shall be deposited in the General Revenue Fund of the~~
13 ~~State Treasury.~~

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

19 C. In addition to any conditions of supervision provided for in
20 subsection A of this section, the court shall, in the case of a
21 person before the court for the offense of operating or being in
22 control of a motor vehicle while the person was under the influence
23 of alcohol, other intoxicating substance, or a combination of
24 alcohol and another intoxicating substance, or who is before the

1 court for the offense of operating a motor vehicle while the ability
2 of the person to operate such vehicle was impaired due to the
3 consumption of alcohol, require the person to participate in an
4 alcohol and drug substance abuse evaluation program offered by a
5 facility or qualified practitioner certified by the Department of
6 Mental Health and Substance Abuse Services for the purpose of
7 evaluating the receptivity to treatment and prognosis of the person.
8 The court shall order the person to reimburse the facility or
9 qualified practitioner for the evaluation. The Department of Mental
10 Health and Substance Abuse Services shall establish a fee schedule,
11 based upon the ability of a person to pay, provided the fee for an
12 evaluation shall not exceed Seventy-five Dollars (\$75.00). The
13 evaluation shall be conducted at a certified facility, the office of
14 a qualified practitioner or at another location as ordered by the
15 court. The facility or qualified practitioner shall, within
16 seventy-two (72) hours from the time the person is assessed, submit
17 a written report to the court for the purpose of assisting the court
18 in its determination of conditions for deferred sentence. No
19 person, agency or facility operating an alcohol and drug substance
20 abuse evaluation program certified by the Department of Mental
21 Health and Substance Abuse Services shall solicit or refer any
22 person evaluated pursuant to this subsection for any treatment
23 program or alcohol and drug substance abuse service in which the
24 person, agency or facility has a vested interest; however, this

1 provision shall not be construed to prohibit the court from ordering
2 participation in or any person from voluntarily utilizing a
3 treatment program or alcohol and drug substance abuse service
4 offered by such person, agency or facility. Any evaluation report
5 submitted to the court pursuant to this subsection shall be handled
6 in a manner which will keep the report confidential from review by
7 the general public. Nothing contained in this subsection shall be
8 construed to prohibit the court from ordering judgment and sentence
9 in the event the defendant fails or refuses to comply with an order
10 of the court to obtain the evaluation required by this subsection.
11 As used in this subsection, "qualified practitioner" means a person
12 with at least a bachelor's degree in substance abuse treatment,
13 mental health or a related health care field and at least two (2)
14 years of experience in providing alcohol abuse treatment, other drug
15 abuse treatment, or both alcohol and other drug abuse treatment who
16 is certified each year by the Department of Mental Health and
17 Substance Abuse Services to provide these assessments. However, any
18 person who does not meet the requirements for a qualified
19 practitioner as defined herein, but who has been previously
20 certified by the Department of Mental Health and Substance Abuse
21 Services to provide alcohol or drug treatment or assessments, shall
22 be considered a qualified practitioner provided all education,
23 experience and certification requirements stated herein are met by
24

1 September 1, 1995. The court may also require the person to
2 participate in one or both of the following:

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

5 2. A victims impact panel program, as defined in subsection H
6 of Section 991a of this title, if such a program is offered in the
7 county where the judgment is rendered. The defendant shall be
8 required to pay a fee of Seventy-five Dollars (\$75.00) as set by the
9 governing authority of the program and approved by the court to the
10 victims impact panel program to offset the cost of participation by
11 the defendant, if in the opinion of the court the defendant has the
12 ability to pay such fee.

13 D. Upon completion of the conditions of the deferred judgment,
14 and upon a finding by the court that the conditions have been met
15 and all fines, fees, and monetary assessments have been paid as
16 ordered, the defendant shall be discharged without a court judgment
17 of guilt, and the court shall order the verdict or plea of guilty or
18 plea of nolo contendere to be expunged from the record and the
19 charge shall be dismissed with prejudice to any further action. The
20 procedure to expunge the record of the defendant shall be as
21 follows:

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

24

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

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

6 4. No information concerning the confidential file shall be
7 revealed or released, except upon written order of a judge of the
8 district court or upon written request by the named defendant to the
9 court clerk for the purpose of updating the criminal history record
10 of the defendant with the Oklahoma State Bureau of Investigation;
11 and

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

16 Records expunged pursuant to this subsection shall be sealed to
17 the public but not to law enforcement agencies for law enforcement
18 purposes. Records expunged pursuant to this subsection shall be
19 admissible in any subsequent criminal prosecution to prove the
20 existence of a prior conviction or prior deferred judgment without
21 the necessity of a court order requesting the unsealing of such
22 records.

23 E. The provisions of subsection D of this section shall be
24 retroactive.

1 F. Whenever a judgment has been deferred by the court according
2 to the provisions of this section, deferred judgment may not be
3 accelerated for any technical violation unless a petition setting
4 forth the grounds for such acceleration is filed by the district
5 attorney with the clerk of the sentencing court and competent
6 evidence justifying the acceleration of the judgment is presented to
7 the court at a hearing to be held for that purpose. The hearing
8 shall be held not more than twenty (20) days after the entry of the
9 plea of not guilty to the petition, unless waived by both the state
10 and the defendant. Any acceleration of a deferred sentence based on
11 a technical violation shall not exceed ninety (90) days for a first
12 acceleration or five (5) years for a second or subsequent
13 acceleration.

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

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

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

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

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

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

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

19 Section 991d. A. ~~1. When the court orders supervision by the~~
20 ~~Department of Corrections, or the district attorney requires the~~
21 ~~Department to supervise any person pursuant to a deferred~~
22 ~~prosecution agreement, the person shall be required to pay a~~
23 ~~supervision fee of Forty Dollars (\$40.00) per month during the~~
24 ~~supervision period, unless the fee would impose an unnecessary~~

1 ~~hardship on the person. In hardship cases, the Department shall~~
2 ~~expressly waive all or part of the fee. The court shall make~~
3 ~~payment of the fee a condition of the sentence which shall be~~
4 ~~imposed whether the supervision is incident to the suspending of~~
5 ~~execution of a sentence, incident to the suspending of imposition of~~
6 ~~a sentence, or incident to the deferral of proceedings after a~~
7 ~~verdict or plea of guilty. The Department shall determine methods~~
8 ~~for payment of supervision fee, and may charge a reasonable user fee~~
9 ~~for collection of supervision fees electronically. The Department~~
10 ~~is required to report to the sentencing court any failure of the~~
11 ~~person to pay supervision fees and to report immediately if the~~
12 ~~person violates any condition of the sentence.~~

13 ~~2. When the court imposes a suspended or deferred sentence for~~
14 ~~any offense and does not order supervision by the Department of~~
15 ~~Corrections, the offender shall be required to pay to the district~~
16 ~~attorney a supervision fee of Forty Dollars (\$40.00) per month as a~~
17 ~~fee to compensate the district attorney for the actual act of~~
18 ~~supervising the offender during the applicable period of~~
19 ~~supervision. In hardship cases, the district attorney shall~~
20 ~~expressly waive all or part of the fee. Any fees collected by the~~
21 ~~district attorney pursuant to this paragraph shall be deposited in~~
22 ~~the General Revenue Fund of the State Treasury.~~

23 ~~3. If restitution is ordered by the court in conjunction with~~
24 ~~supervision, the supervision fee will be paid in addition to the~~

1 ~~restitution ordered. In addition to the restitution payment and~~
2 ~~supervision fee, a reasonable user fee may be charged by the~~
3 Department of Corrections to cover the expenses of administration of
4 the restitution, except no user fee shall be collected by the
5 Department when restitution payment is collected and disbursed to
6 the victim by the office of the district attorney as provided in
7 Section 991f of this title or Section 991f-1.1 of this title.

8 B. ~~The Pardon and Parole Board shall require a supervision fee~~
9 ~~to be paid by the parolee as a condition of parole which shall be~~
10 ~~paid to the Department of Corrections. The Department shall~~
11 ~~determine the amount of the fee as provided for other persons under~~
12 ~~supervision by the Department.~~

13 C. ~~Upon acceptance of an offender by the Department of~~
14 ~~Corrections whose probation or parole supervision was transferred to~~
15 ~~Oklahoma through the Interstate Compact Agreement, or upon the~~
16 ~~assignment of an inmate to any community placement, a fee shall be~~
17 ~~required to be paid by the offender to the Department of Corrections~~
18 ~~as provided for other persons under supervision of the Department.~~

19 ~~D.~~ Except as provided in subsection A and this subsection, all
20 fees collected pursuant to this section shall be deposited in the
21 Department of Corrections Revolving Fund created pursuant to Section
22 557 of Title 57 of the Oklahoma Statutes. For the fiscal year
23 ending June 30, 1996, fifty percent (50%) of all collections
24 received from offenders placed on supervision after July 1, 1995,

1 shall be transferred to the credit of the General Revenue Fund of
2 the State Treasury until such time as total transfers equal Three
3 Million Three Hundred Thousand Dollars (\$3,300,000.00).

4 SECTION 6. AMENDATORY 28 O.S. 2021, Section 153, as
5 amended by Section 2, Chapter 237, O.S.L. 2022 (28 O.S. Supp. 2022,
6 Section 153), is amended to read as follows:

7 Section 153. A. The clerks of the courts shall collect as
8 costs in every criminal case for each offense of which the defendant
9 is convicted, irrespective of whether or not the sentence is
10 deferred, the following flat charges and no more, except for
11 standing and parking violations and for charges otherwise provided
12 for by law, which fee shall cover docketing of the case, filing of
13 all papers, issuance of process, warrants, orders, and other
14 services to the date of judgment:

15 1. For each defendant convicted of
16 exceeding the speed limit by at least
17 one (1) mile per hour but not more than
18 ten (10) miles per hour, whether charged
19 individually or conjointly with others.....\$77.00

20 2. For each defendant convicted of a
21 misdemeanor traffic violation other than
22 an offense provided for in paragraph 1
23 or 5 of this subsection, whether charged
24 individually or conjointly with others.....\$98.00

- 1 3. For each defendant convicted of a
2 misdemeanor, other than for driving
3 under the influence of alcohol or other
4 intoxicating substance or an offense
5 provided for in paragraph 1 or 2 of this
6 subsection, whether charged individually
7 or conjointly with others.....\$93.00
- 8 4. For each defendant convicted of a
9 felony, other than for driving under the
10 influence of alcohol or other
11 intoxicating substance, whether charged
12 individually or conjointly with others.....\$103.00
- 13 5. For each defendant convicted of the
14 misdemeanor of driving under the
15 influence of alcohol or other
16 intoxicating substance, whether charged
17 individually or conjointly with others.....\$433.00
- 18 6. For each defendant convicted of the
19 felony of driving under the influence of
20 alcohol or other intoxicating substance,
21 whether charged individually or
22 conjointly with others.....\$433.00
23
24

1 C. In addition to the amount collected pursuant to subsection A
2 of this section, the sum of Twenty Dollars (\$20.00) shall be
3 assessed and collected in every traffic case for each offense other
4 than for driving under the influence of alcohol or other
5 intoxicating substance; the sum of Thirty Dollars (\$30.00) shall be
6 assessed and collected in every misdemeanor case for each offense;
7 the sum of Thirty Dollars (\$30.00) shall be assessed and collected
8 in every misdemeanor case for each offense for driving under the
9 influence of alcohol or other intoxicating substance; the sum of
10 Fifty Dollars (\$50.00) shall be assessed and collected in every
11 felony case for each offense; and the sum of Fifty Dollars (\$50.00)
12 shall be assessed and collected in every felony case for each
13 offense for driving under the influence of alcohol or other
14 intoxicating substance.

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

20 E. In addition to the amount collected pursuant to paragraphs 1
21 through 6 of subsection A of this section, the sum of Ten Dollars
22 (\$10.00) shall be assessed and credited to the Sheriff's Service Fee
23 Account in the county in which the conviction occurred for the
24

1 purpose of enhancing existing or providing additional courthouse
2 security.

3 ~~F. In addition to the amounts collected pursuant to paragraphs
4 1 through 6 of subsection A of this section, the sum of Three
5 Dollars (\$3.00) shall be assessed and credited to the Office of the
6 Attorney General Victim Services Unit.~~

7 ~~G. In addition to the amounts collected pursuant to paragraphs
8 1 through 6 of subsection A of this section, the sum of Three
9 Dollars (\$3.00) shall be assessed and credited to the Child Abuse
10 Multidisciplinary Account. This fee shall not be used for purposes
11 of hiring or employing any law enforcement officers.~~

12 ~~H. In addition to the amount collected pursuant to paragraphs 5
13 and 6 of subsection A of this section, the sum of Fifteen Dollars
14 (\$15.00) shall be assessed in every misdemeanor or felony case for
15 each offense of driving under the influence of alcohol or other
16 intoxicating substance and credited to the Oklahoma Impaired Driver
17 Database Revolving Fund created pursuant to Section 11-902d of Title
18 47 of the Oklahoma Statutes.~~

19 ~~I. Prior to conviction, parties in criminal cases shall not be
20 required to pay, advance, or post security for the issuance or
21 service of process to obtain compulsory attendance of witnesses.~~

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

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

3 1. A court clerk issuing a misdemeanor warrant is entitled to
4 ten percent (10%) of the sheriff's service fee, provided for in
5 paragraph 9 of subsection A of this section, collected on a warrant
6 referred to the contractor for the misdemeanor warrant notification
7 program governed by Sections 514.4 and 514.5 of Title 19 of the
8 Oklahoma Statutes. This ten-percent sum shall be deposited into the
9 issuing Court Clerk's Revolving Fund, created pursuant to Section
10 220 of Title 19 of the Oklahoma Statutes, of the court clerk issuing
11 the warrant with the balance of the sheriff's service fee to be
12 deposited into the Sheriff's Service Fee Account, created pursuant
13 to the provisions of Section 514.1 of Title 19 of the Oklahoma
14 Statutes, of the sheriff in the county in which service is made or
15 attempted. Otherwise, the sheriff's service fee, when collected,
16 shall be deposited in its entirety into the Sheriff's Service Fee
17 Account of the sheriff in the county in which service is made or
18 attempted;

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

21 3. The witness fees paid by the district attorney pursuant to
22 the provisions of Section 82 of this title which, if collected by
23 the court clerk, shall be transferred to the district attorney's
24 office in the county where witness attendance was required. Fees

1 transferred pursuant to this paragraph shall be deposited in the
2 district attorney's maintenance and operating expense account;

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

6 5. The following amounts of the fees provided for in paragraphs
7 2, 3, 5 and 6 of subsection A of this section, when collected, shall
8 be deposited in the Trauma Care Assistance Revolving Fund, created
9 pursuant to the provisions of Section 1-2530.9 of Title 63 of the
10 Oklahoma Statutes:

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

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

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

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

23 ~~I.~~ I. As used in this section, "convicted" means any final
24 adjudication of guilt, whether pursuant to a plea of guilty or nolo

1 | contendere or otherwise, and any deferred judgment or suspended
2 | sentence.

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

9 | ~~N.~~ K. Upon receipt of payment of fines and costs for offenses
10 | charged prior to July 1, 1992, the court clerk shall apportion and
11 | pay Thirteen Dollars (\$13.00) per conviction to the court fund.

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

14 | Section 9-114. A. 1. In addition to any other penalties
15 | provided for in the Wildlife Bail Procedure Act or any other
16 | applicable law, when a person fails to comply with a wildlife
17 | citation or a sentence for a violation of wildlife laws or rules,
18 | the district court which has jurisdiction of the citation or which
19 | issued the sentence shall mail a notice to the person informing them
20 | that if they do not appear in the district court or pay all fines,
21 | court costs, assessments or fees, and any penalties imposed within
22 | thirty (30) days from the date of mailing, the ~~Oklahoma~~ Department
23 | of Wildlife Conservation shall be notified to begin procedures to
24 |

1 forfeit or suspend any license, permit, stamp or other issue of the
2 Department held by the person.

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

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

24

1 ~~shall deposit the entire amount of each reinstatement fee in the~~
2 ~~Wildlife General Fund.~~

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

13 ~~D.~~ A person whose privileges have been suspended as provided
14 for in this section and who hunts, traps or fishes in this state,
15 who applies for or purchases any license or permit to hunt, trap, or
16 fish in this state, or who refuses to surrender any current hunting,
17 trapping or fishing licenses as required pursuant to this section
18 shall be deemed guilty of a misdemeanor and shall be fined not less
19 than One Hundred Dollars (\$100.00) or more than Five Hundred Dollars
20 (\$500.00).

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

23
24

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

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

10 2. To create, distribute, transport with intent to distribute
11 or dispense, or possess with intent to distribute, a counterfeit
12 controlled dangerous substance; or

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

17 B. Any person who violates the provisions of this section with
18 respect to:

19 1. A substance classified in Schedule I or II, except for
20 marijuana, upon conviction, shall be guilty of transporting or
21 possessing with an intent to distribute a controlled dangerous
22 substance, a felony, and shall be sentenced to a term of
23 imprisonment in the custody of the Department of Corrections for not
24 more than seven (7) years and a fine ~~of~~ not more than One Hundred

1 Thousand Dollars (\$100,000.00), which shall be in addition to other
2 punishment provided by law and shall not be imposed in lieu of other
3 punishment. A second conviction for the violation of provisions of
4 this paragraph is a felony punishable by a term of imprisonment in
5 the custody of the Department of Corrections for not more than
6 fourteen (14) years. A third or subsequent conviction for the
7 violation of the provisions of this paragraph is a felony punishable
8 by a term of imprisonment in the custody of the Department of
9 Corrections for not more than twenty (20) years;

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

24

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

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

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

24

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

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

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

1 the Department of Corrections for a term not less than ten (10)
2 years nor more than life.

3 D. Convictions for violations of the provisions of this section
4 shall be subject to the statutory provisions for suspended or
5 deferred sentences, or probation as provided in Section 991a of
6 Title 22 of the Oklahoma Statutes.

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

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

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

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

24

1 F. Any person who violates any provision of this section by
2 transporting with intent to distribute or dispense, distributing or
3 possessing with intent to distribute a controlled dangerous
4 substance to a person, or violation of subsection G of this section,
5 in or on, or within two thousand (2,000) feet of the real property
6 comprising a public or private elementary or secondary school,
7 public vocational school, public or private college or university,
8 or other institution of higher education, recreation center or
9 public park, including state parks and recreation areas, public
10 housing project, or child care facility as defined by Section 402 of
11 Title 10 of the Oklahoma Statutes, shall be punished by:

12 1. For a first offense, a term of imprisonment in the custody
13 of the Department of Corrections, or by the imposition of a fine or
14 by both, not exceeding twice that authorized by the appropriate
15 provision of this section; or

16 2. For a second or subsequent violation of this section, a term
17 of imprisonment in the custody of the Department of Corrections, or
18 by the imposition of a fine or by both, not exceeding thrice that
19 authorized by the appropriate provision of this section.

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

23 G. 1. Except as authorized by the Uniform Controlled Dangerous
24 Substances Act, it shall be unlawful for any person to manufacture

1 or attempt to manufacture any controlled dangerous substance or
2 possess any substance listed in Section 2-322 of this title or any
3 substance containing any detectable amount of pseudoephedrine or its
4 salts, optical isomers or salts of optical isomers, iodine or its
5 salts, optical isomers or salts of optical isomers, hydriodic acid,
6 sodium metal, lithium metal, anhydrous ammonia, phosphorus, or
7 organic solvents with the intent to use that substance to
8 manufacture a controlled dangerous substance.

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

21 3. Any person violating the provisions of this subsection with
22 respect to the unlawful manufacturing or attempting to unlawfully
23 manufacture any controlled dangerous substance in the following
24 amounts:

- 1 a. one (1) kilogram or more of a mixture or substance
2 containing a detectable amount of heroin,
- 3 b. five (5) kilograms or more of a mixture or substance
4 containing a detectable amount of:
- 5 (1) coca leaves, except coca leaves and extracts of
6 coca leaves from which cocaine, ecgonine, and
7 derivatives of ecgonine or their salts have been
8 removed,
- 9 (2) cocaine, its salts, optical and geometric
10 isomers, and salts of isomers,
- 11 (3) ecgonine, its derivatives, their salts, isomers,
12 and salts of isomers, or
- 13 (4) any compound, mixture, or preparation which
14 contains any quantity of any of the substances
15 referred to in divisions (1) through (3) of this
16 subparagraph,
- 17 c. fifty (50) grams or more of a mixture or substance
18 described in division (2) of subparagraph b of this
19 paragraph which contains cocaine base,
- 20 d. one hundred (100) grams or more of phencyclidine (PCP)
21 or 1 kilogram or more of a mixture or substance
22 containing a detectable amount of phencyclidine (PCP),
23
24

1 e. ten (10) grams or more of a mixture or substance
2 containing a detectable amount of lysergic acid
3 diethylamide (LSD),

4 f. four hundred (400) grams or more of a mixture or
5 substance containing a detectable amount of N-phenyl-
6 N-[1-(2-phenylethyl)-4-piperidinyl] propanamide or 100
7 grams or more of a mixture or substance containing a
8 detectable amount of any analogue of N-phenyl-N-[1-(2-
9 phenylethyl)-4-piperidinyl] propanamide,

10 g. one thousand (1,000) kilograms or more of a mixture or
11 substance containing a detectable amount of ~~marihuana~~
12 marijuana or one thousand (1,000) or more ~~marihuana~~
13 marijuana plants regardless of weight, or

14 h. fifty (50) grams or more of methamphetamine, its
15 salts, isomers, and salts of its isomers or 500 grams
16 or more of a mixture or substance containing a
17 detectable amount of methamphetamine, its salts,
18 isomers, or salts of its isomers,

19 upon conviction, is guilty of aggravated manufacturing a controlled
20 dangerous substance punishable by imprisonment for not less than
21 twenty (20) years nor more than life and by a fine ~~of~~ not less than
22 Fifty Thousand Dollars (\$50,000.00), which shall be in addition to
23 other punishment provided by law and shall not be imposed in lieu of
24 other punishment. Any person convicted of a violation of the

1 provisions of this paragraph shall be required to serve a minimum of
2 eighty-five percent (85%) of the sentence received prior to becoming
3 eligible for state correctional earned credits towards the
4 completion of the sentence or eligible for parole.

5 4. Any sentence to the custody of the Department of Corrections
6 for any violation of paragraph 3 of this subsection shall not be
7 subject to statutory provisions for suspended sentences, deferred
8 sentences, or probation. A person convicted of a second or
9 subsequent violation of the provisions of paragraph 3 of this
10 subsection shall be punished as a habitual offender pursuant to
11 Section 51.1 of Title 21 of the Oklahoma Statutes and shall be
12 required to serve a minimum of eighty-five percent (85%) of the
13 sentence received prior to becoming eligible for state correctional
14 earned credits or eligibility for parole.

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

24

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

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

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

17 ~~K. When a person is found guilty of a violation of the~~
18 ~~provisions of this section, the court shall order, in addition to~~
19 ~~any other penalty, the defendant to pay a one-hundred-dollar~~
20 ~~assessment to be deposited in the Drug Abuse Education and Treatment~~
21 ~~Revolving Fund created in Section 2-503.2 of this title, upon~~
22 ~~collection.~~

23 ~~L.~~ J. Any person convicted of a second or subsequent felony
24 violation of the provisions of this section, except for paragraphs 1

1 and 2 of subsection B of this section, paragraphs 2, 3, 4 and 5 of
2 subsection C of this section, paragraphs 1, 2, and 3 of subsection E
3 of this section and paragraphs 1 and 2 of subsection F of this
4 section, shall be punished as a habitual offender pursuant to
5 Section 51.1 of Title 21 of the Oklahoma Statutes.

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

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

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

20 3. It shall be unlawful for any person or business to sell,
21 market, advertise or label any product containing ephedrine, its
22 salts, optical isomers, or salts of optical isomers, for the
23 indication of stimulation, mental alertness, weight loss, appetite
24 control, muscle development, energy or other indication which is not

1 approved by the pertinent federal OTC Final Monograph, Tentative
2 Final Monograph, or FDA-approved new drug application or its legal
3 equivalent. In determining compliance with this requirement, the
4 following factors shall be considered:

- 5 a. the packaging of the product,
- 6 b. the name of the product, and
- 7 c. the distribution and promotion of the product,
8 including verbal representations made at the point of
9 sale.

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

- 11 1. Any Schedule I or II substance, except marijuana or a
12 substance included in subsection D of Section 2-206 of this title,
13 is guilty of a felony punishable by imprisonment for not more than
14 five (5) years and by a fine not exceeding Five Thousand Dollars
15 (\$5,000.00). A second violation of this section with respect to a
16 Schedule I or II substance, except marijuana or a substance included
17 in subsection D of Section 2-206 of this title, is a felony
18 punishable by imprisonment for not more than ten (10) years and by a
19 fine not exceeding Ten Thousand Dollars (\$10,000.00). A third or
20 subsequent violation of this section with respect to a Schedule I or
21 II substance, except marijuana or a substance included in subsection
22 D of Section 2-206 of this title, is a felony punishable by
23 imprisonment for not less than four (4) years nor more than fifteen
24

1 (15) years and by a fine not exceeding Ten Thousand Dollars
2 (\$10,000.00);

3 2. 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 is guilty of a misdemeanor punishable by
7 confinement for not more than one (1) year and by a fine not
8 exceeding One Thousand Dollars (\$1,000.00);

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

21 4. 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 and who, ten (10) or more years following

1 the date of completion of the execution of any sentence or deferred
2 judgment for a violation of this section, commits a second or
3 subsequent violation of this section shall, upon conviction, be
4 guilty of a felony punishable by imprisonment in the custody of the
5 Department of Corrections for not less than one (1) year nor more
6 than five (5) years and by a fine not exceeding Five Thousand
7 Dollars (\$5,000.00).

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

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

24

1 2. For a second or subsequent offense, a term of imprisonment
2 not exceeding three times that authorized by the appropriate
3 provision of this section and the person shall serve a minimum of
4 ninety percent (90%) of the sentence received prior to becoming
5 eligible for state correctional institution earned credits toward
6 the completion of ~~said~~ the sentence, and imposition of a fine not
7 exceeding Ten Thousand Dollars (\$10,000.00).

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

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

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

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

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

23
24

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

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

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

9 6. To keep or maintain any store, shop, warehouse, dwelling
10 house, building, vehicle, boat, aircraft, or any place whatever,
11 which is resorted to by persons using controlled dangerous
12 substances in violation of ~~this act~~ Section 2-101 et seq. of this
13 title for the purpose of using such substances, or which is used for
14 the keeping or selling of the same in violation of ~~this act~~ Section
15 2-101 et seq. of this title.

16 B. Any person who violates this section is punishable by a
17 civil fine of not more than One Thousand Dollars (\$1,000.00);
18 provided, that, if the violation is prosecuted by an information or
19 indictment which alleges that the violation was committed knowingly
20 or intentionally, and the trier of fact specifically finds that the
21 violation was committed knowingly or intentionally, such person is
22 guilty of a felony punishable by imprisonment for not more than five
23 (5) years, and a fine of not more than Ten Thousand Dollars
24 (\$10,000.00), except that if such person is a corporation it shall

1 be subject to a civil penalty of not more than One Hundred Thousand
2 Dollars (\$100,000.00). The fine provided for in this subsection
3 shall be in addition to other punishments provided by law and shall
4 not be in lieu of other punishment.

5 C. Any person convicted of a second or subsequent violation of
6 this section is punishable by a term of imprisonment twice that
7 otherwise authorized and by twice the fine otherwise authorized.
8 The fine provided for in this subsection shall be in addition to
9 other punishments provided by law and shall not be in lieu of other
10 punishment.

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

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

18 Section 2-405. A. No person shall use tincture of opium,
19 tincture of opium camphorated, or any derivative thereof, by the
20 hypodermic method, either with or without a medical prescription
21 therefor.

22 B. No person shall use drug paraphernalia to plant, propagate,
23 cultivate, grow, harvest, manufacture, compound, convert, produce,
24 process, prepare, test, analyze, pack, repack, store, contain,

1 conceal, inject, ingest, inhale or otherwise introduce into the
2 human body a controlled dangerous substance in violation of the
3 Uniform Controlled Dangerous Substances Act, except those persons
4 holding an unrevoked license in the professions of podiatry,
5 dentistry, medicine, nursing, optometry, osteopathy, veterinary
6 medicine or pharmacy.

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

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

19 E. Any person who violates ~~subsections~~ subsection A, B or C of
20 this section shall, upon conviction, be guilty of a misdemeanor
21 punishable as follows:

22 1. For a first offense the person shall be punished by
23 imprisonment in the county jail for not more than one (1) year or by
24

1 a fine ~~of~~ not more than One Thousand Dollars (\$1,000.00), or both
2 such fine and imprisonment;

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

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

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

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

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

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

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

4 3. To acquire or obtain possession of a controlled dangerous
5 substance by misrepresentation, fraud, forgery, deception or
6 subterfuge;

7 4. To furnish false or fraudulent material information in, or
8 omit any material information from, any application, report, or
9 other document required to be kept or filed under ~~this act~~ Section
10 2-101 et seq. of this title, or any record required to be kept by
11 ~~this act~~ Section 2-101 et seq. of this title; and

12 5. To make, distribute, or possess any punch, die, plate,
13 stone, or other thing designed to print, imprint, or reproduce the
14 trademark, trade name, or other identifying mark, imprint, or device
15 of another or any likeness of any of the foregoing upon any drug or
16 container or labeling thereof so as to render such drug a
17 counterfeit controlled dangerous substance.

18 B. Any person who violates this section is guilty of a felony
19 punishable by imprisonment for not more than twenty (20) years or a
20 fine ~~of~~ not more than Two Hundred Fifty Thousand Dollars
21 (\$250,000.00), or both.

22 C. Any person convicted of a second or subsequent violation of
23 this section is punishable by a term of imprisonment twice that
24 otherwise authorized and by twice the fine otherwise authorized.

1 Convictions for second or subsequent violations of this section
2 shall not be subject to statutory provisions for suspended
3 sentences, deferred sentences, or probation.

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

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

11 Section 2-407. A. No person shall obtain or attempt to obtain
12 any preparation excepted from the provisions of the Uniform
13 Controlled Dangerous Substances Act pursuant to Section 2-313 of
14 this title in a manner inconsistent with the provisions of paragraph
15 1 of subsection B of Section 2-313 of this title, or a controlled
16 dangerous substance or procure or attempt to procure the
17 administration of a controlled dangerous substance:

- 18 1. By fraud, deceit, misrepresentation, or subterfuge;
- 19 2. By the forgery of, alteration of, adding any information to
20 or changing any information on a prescription or of any written
21 order;
- 22 3. By the concealment of a material fact;
- 23 4. By the use of a false name or the giving of a false address;
- 24 or

1 5. By knowingly failing to disclose the receipt of a controlled
2 dangerous substance or a prescription for a controlled dangerous
3 substance of the same or similar therapeutic use from another
4 practitioner within the previous thirty (30) days.

5 B. Except as authorized by ~~this act~~ Section 2-101 et seq. of
6 this title, a person shall not manufacture, create, deliver, or
7 possess with intent to manufacture, create, or deliver or possess a
8 prescription form, an original prescription form, or a counterfeit
9 prescription form. This shall not apply to the legitimate
10 manufacture or delivery of prescription forms, or a person acting as
11 an authorized agent of the practitioner.

12 C. Information communicated to a physician in an effort
13 unlawfully to procure a controlled dangerous substance, or
14 unlawfully to procure the administration of any such drug, shall not
15 be deemed a privileged communication.

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

1 E. Convictions for second or subsequent violations of this
2 section shall not be subject to statutory provisions for suspended
3 sentences, deferred sentences, or probation.

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

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

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

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

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

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

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

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

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

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~~

24

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

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

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

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

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

24

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

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

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

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

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

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

24 1. Marijuana:

- 1 a. twenty-five (25) pounds or more of a mixture or
2 substance containing a detectable amount of marijuana
3 shall be punishable by a fine ~~of~~ not less than Twenty-
4 five Thousand Dollars (\$25,000.00) and not more than
5 One Hundred Thousand Dollars (\$100,000.00), or
6 b. one thousand (1,000) pounds or more of a mixture or
7 substance containing a detectable amount of marijuana
8 shall be deemed aggravated trafficking punishable by a
9 fine ~~of~~ not less than One Hundred Thousand Dollars
10 (\$100,000.00) and not more than Five Hundred Thousand
11 Dollars (\$500,000.00);

12 2. Cocaine, coca leaves or cocaine base:

- 13 a. twenty-eight (28) grams or more of a mixture or
14 substance containing a detectable amount of cocaine,
15 coca leaves or cocaine base shall be punishable by a
16 fine ~~of~~ not less than Twenty-five Thousand Dollars
17 (\$25,000.00) and not more than One Hundred Thousand
18 Dollars (\$100,000.00),
19 b. three hundred (300) grams or more of a mixture or
20 substance containing a detectable amount of cocaine,
21 coca leaves or cocaine base shall be punishable by a
22 fine ~~of~~ not less than One Hundred Thousand Dollars
23 (\$100,000.00) 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 cocaine,
3 coca leaves or cocaine base shall be deemed aggravated
4 trafficking punishable by a fine ~~of~~ not less than One
5 Hundred Thousand Dollars (\$100,000.00) and not more
6 than Five Hundred Thousand Dollars (\$500,000.00);

7 3. Heroin:

- 8 a. ten (10) grams or more of a mixture or substance
9 containing a detectable amount of heroin shall be
10 punishable by a fine ~~of~~ not less than Twenty-five
11 Thousand Dollars (\$25,000.00) and not more than Fifty
12 Thousand Dollars (\$50,000.00), or
13 b. twenty-eight (28) grams or more of a mixture or
14 substance containing a detectable amount of heroin
15 shall be deemed aggravated trafficking punishable by a
16 fine ~~of~~ not less than Fifty Thousand Dollars
17 (\$50,000.00) and not more than Five Hundred Thousand
18 Dollars (\$500,000.00);

19 4. Amphetamine or methamphetamine:

- 20 a. twenty (20) grams or more of a mixture or substance
21 containing a detectable amount of amphetamine or
22 methamphetamine shall be punishable by a fine ~~of~~ not
23 less than Twenty-five Thousand Dollars (\$25,000.00)
24

1 and not more than Two Hundred Thousand Dollars
2 (\$200,000.00),

3 b. two hundred (200) grams or more of a mixture or
4 substance containing a detectable amount of
5 amphetamine or methamphetamine shall be punishable by
6 a fine of not less than Fifty Thousand Dollars
7 (\$50,000.00) and not more than Five Hundred Thousand
8 Dollars (\$500,000.00), or

9 c. four hundred fifty (450) grams or more of a mixture or
10 substance containing a detectable amount of
11 amphetamine or methamphetamine shall be deemed
12 aggravated trafficking punishable by a fine of not
13 less than Fifty Thousand Dollars (\$50,000.00) and not
14 more than Five Hundred Thousand Dollars (\$500,000.00);

15 5. Lysergic acid diethylamide (LSD):

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

1 b. ten (10) grams or more of a mixture or substance
2 containing a detectable amount of lysergic acid
3 diethylamide (LSD) shall be aggravated trafficking
4 punishable by a term of imprisonment in the custody of
5 the Department of Corrections ~~of~~ not less than two (2)
6 years nor more than life and by a fine ~~of~~ not less
7 than One Hundred Thousand Dollars (\$100,000.00) and
8 not more than Two Hundred Fifty Thousand Dollars
9 (\$250,000.00);

10 6. Phencyclidine (PCP):

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

19 b. one hundred fifty (150) grams or more of a substance
20 containing a mixture or substance containing a
21 detectable amount of phencyclidine (PCP) shall be
22 aggravated trafficking punishable by a term of
23 imprisonment in the custody of the Department of
24 Corrections ~~of~~ not less than two (2) years nor more

1 than life and by a fine ~~of~~ not less than Fifty
2 Thousand Dollars (\$50,000.00) and not more than Two
3 Hundred Fifty Thousand Dollars (\$250,000.00);

4 7. Methylenedioxy methamphetamine:

5 a. thirty (30) tablets or ten (10) grams of a mixture or
6 substance containing a detectable amount of 3,4-
7 Methylenedioxy methamphetamine shall be trafficking
8 punishable by a term of imprisonment in the custody of
9 the Department of Corrections not to exceed twenty
10 (20) years and by a fine ~~of~~ not less than Twenty-five
11 Thousand Dollars (\$25,000.00) and not more than One
12 Hundred Thousand Dollars (\$100,000.00), or

13 b. one hundred (100) tablets or thirty (30) grams of a
14 mixture or substance containing a detectable amount of
15 3,4-Methylenedioxy methamphetamine shall be deemed
16 aggravated trafficking punishable by a term of
17 imprisonment in the custody of the Department of
18 Corrections ~~of~~ not less than two (2) years nor more
19 than life by a fine ~~of~~ not less than One Hundred
20 Thousand Dollars (\$100,000.00) and not more than Five
21 Hundred Thousand Dollars (\$500,000.00);

22 8. Morphine: One thousand (1,000) grams or more of a mixture
23 containing a detectable amount of morphine shall be trafficking
24 punishable by a term of imprisonment in the custody of the

1 Department of Corrections not to exceed twenty (20) years and by a
2 fine ~~of~~ not less than One Hundred Thousand Dollars (\$100,000.00) and
3 not more than Five Hundred Thousand Dollars (\$500,000.00);

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

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

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

23 12. Fentanyl and its analogs and derivatives:
24

- 1 a. one (1) gram or more of a mixture containing fentanyl
2 or carfentanil, or any fentanyl analogs or derivatives
3 shall be trafficking punishable by a term of
4 imprisonment in the custody of the Department of
5 Corrections not to exceed twenty (20) years and by a
6 fine ~~of~~ not less than One Hundred Thousand Dollars
7 (\$100,000.00) and not more than Two Hundred Fifty
8 Thousand Dollars (\$250,000.00), or
- 9 b. five (5) grams or more of a mixture containing
10 fentanyl or carfentanil, or any fentanyl analogs or
11 derivatives shall be aggravated trafficking punishable
12 by a term of imprisonment in the custody of the
13 Department of Corrections ~~of~~ not less than two (2)
14 years nor more than life and by a fine ~~of~~ not less
15 than Two Hundred Fifty Thousand Dollars (\$250,000.00)
16 and not more than Five Hundred Thousand Dollars
17 (\$500,000.00).

18 D. Any person who violates the provisions of this section with
19 respect to marijuana, cocaine, coca leaves, cocaine base, heroin,
20 amphetamine or methamphetamine in a quantity specified in paragraphs
21 1, 2, 3 and 4 of subsection C of this section shall, in addition to
22 any fines specified by this section, be punishable by a term of
23 imprisonment as follows:
24

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

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

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

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

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

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

24

1 ~~F. 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 1-2530.9 of this title and the assessment pursuant to~~
6 ~~Section 2-503.2 of this title.~~

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

9 SECTION 17. REPEALER 20 O.S. 2021, Sections 1313.3 and
10 1313.4, are hereby repealed.

11 SECTION 18. REPEALER 63 O.S. 2021, Section 2-503.2, is
12 hereby repealed.

13 SECTION 19. This act shall become effective January 1, 2024.

14
15 59-1-7965 JM 03/02/23
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