

1 STATE OF OKLAHOMA

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

3 SENATE BILL 152

By: Hicks

4  
5  
6 AS INTRODUCED

7 An Act relating to crimes and punishments; amending  
8 21 O.S. 2021, Section 13.1, which relates to required  
9 service of minimum percentage of sentence; modifying  
10 inclusions; amending 63 O.S. 2021, Section 2-401,  
11 which relates to penalties for prohibited acts;  
12 modifying required minimum sentence required to be  
13 served; amending 63 O.S. 2021, Section 2-415, which  
14 relates to fines and penalties; modifying required  
15 minimum sentence required to be served; updating  
16 statutory language; updating statutory reference; and  
17 providing an effective date.

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

19 SECTION 1. AMENDATORY 21 O.S. 2021, Section 13.1, is  
20 amended to read as follows:

21 Section 13.1. Persons convicted of:

- 22 1. First degree murder as defined in Section 701.7 of this  
23 title;
- 24 2. Second degree murder as defined by Section 701.8 of this  
title;
- 25 3. Manslaughter in the first degree as defined by Section 711  
of this title;

- 1       4.   Poisoning with intent to kill as defined by Section 651 of  
2 this title;
- 3       5.   Shooting with intent to kill, use of a vehicle to facilitate  
4 use of a firearm, crossbow or other weapon, assault, battery, or  
5 assault and battery with a deadly weapon or by other means likely to  
6 produce death or great bodily harm, as provided for in Section 652  
7 of this title;
- 8       6.   Assault with intent to kill as provided for in Section 653  
9 of this title;
- 10      7.   Conjoint robbery as defined by Section 800 of this title;
- 11      8.   Robbery with a dangerous weapon as defined in Section 801 of  
12 this title;
- 13      9.   First degree robbery as defined in Section 797 of this  
14 title;
- 15      10.  First degree rape as provided for in Section 1111, 1114 or  
16 1115 of this title;
- 17      11.  First degree arson as defined in Section 1401 of this  
18 title;
- 19      12.  First degree burglary as provided for in Section 1436 of  
20 this title;
- 21      13.  Bombing as defined in Section 1767.1 of this title;
- 22      14.  Any crime against a child provided for in Section 843.5 of  
23 this title;
- 24      15.  Forcible sodomy as defined in Section 888 of this title;

1 16. Child pornography or aggravated child pornography as  
2 defined in Section 1021.2, 1021.3, 1024.1, 1024.2 or 1040.12a of  
3 this title;

4 17. Child prostitution as defined in Section 1030 of this  
5 title;

6 18. Lewd molestation of a child as defined in Section 1123 of  
7 this title;

8 19. Abuse of a vulnerable adult as defined in Section 10-103 of  
9 Title 43A of the Oklahoma Statutes;

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

12 ~~21.~~ Aggravated assault and battery upon any person defending  
13 another person from assault and battery; or

14 ~~22.~~ 21. Human trafficking as provided for in Section 748 of  
15 this title,

16 shall be required to serve not less than eighty-five percent (85%)  
17 of any sentence of imprisonment imposed by the judicial system prior  
18 to becoming eligible for consideration for parole. Persons  
19 convicted of these offenses shall not be eligible for earned credits  
20 or any other type of credits which have the effect of reducing the  
21 length of the sentence to less than eighty-five percent (85%) of the  
22 sentence imposed.

23 SECTION 2. AMENDATORY 63 O.S. 2021, Section 2-401, is  
24 amended to read as follows:

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.

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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  
25

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.



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

- 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 or one thousand (1000) or more marihuana plants  
13 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%)~~ sixty percent (60%) of the sentence  
3 received prior to becoming eligible for state correctional earned  
4 credits towards the completion of the sentence or eligible for  
5 parole.

6 4. Any sentence to the custody of the Department of Corrections  
7 for any violation of paragraph 3 of this subsection shall not be  
8 subject to statutory provisions for suspended sentences, deferred  
9 sentences, or probation. A person convicted of a second or  
10 subsequent violation of the provisions of paragraph 3 of this  
11 subsection shall be punished as a habitual offender pursuant to  
12 Section 51.1 of Title 21 of the Oklahoma Statutes and shall be  
13 required to serve a minimum of ~~eighty-five percent (85%)~~ sixty  
14 percent (60%) of the sentence received prior to becoming eligible  
15 for state correctional earned credits or eligibility for parole.

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

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~~ 1-2530.9 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. 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 3. AMENDATORY 63 O.S. 2021, Section 2-415, is  
7 amended to read as follows:

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

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

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

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

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

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

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

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



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

3 1. Marijuana:

4 a. twenty-five (25) pounds or more of a mixture or  
5 substance containing a detectable amount of marijuana  
6 shall be punishable by a fine ~~of~~ not less than Twenty-  
7 five Thousand Dollars (\$25,000.00) and not more than  
8 One Hundred Thousand Dollars (\$100,000.00), or

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

15 2. Cocaine, coca leaves or cocaine base:

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

22 b. three hundred (300) grams or more of a mixture or  
23 substance containing a detectable amount of cocaine,  
24 coca leaves or cocaine base shall be punishable by a

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

- 4 c. four hundred fifty (450) grams or more of a mixture or  
5 substance containing a detectable amount of cocaine,  
6 coca leaves or cocaine base shall be deemed aggravated  
7 trafficking punishable by a fine ~~of~~ not less than One  
8 Hundred Thousand Dollars (\$100,000.00) and not more  
9 than Five Hundred Thousand Dollars (\$500,000.00);

10 3. Heroin:

- 11 a. ten (10) grams or more of a mixture or substance  
12 containing a detectable amount of heroin shall be  
13 punishable by a fine ~~of~~ not less than Twenty-five  
14 Thousand Dollars (\$25,000.00) and not more than Fifty  
15 Thousand Dollars (\$50,000.00), or  
16 b. twenty-eight (28) grams or more of a mixture or  
17 substance containing a detectable amount of heroin  
18 shall be deemed aggravated trafficking punishable by a  
19 fine ~~of~~ not less than Fifty Thousand Dollars  
20 (\$50,000.00) and not more than Five Hundred Thousand  
21 Dollars (\$500,000.00);

22 4. Amphetamine or methamphetamine:

- 23 a. twenty (20) grams or more of a mixture or substance  
24 containing a detectable amount of amphetamine or  
25

1 methamphetamine shall be punishable by a fine ~~of~~ not  
2 less than Twenty-five Thousand Dollars (\$25,000.00)  
3 and not more than Two Hundred Thousand Dollars  
4 (\$200,000.00),

5 b. two hundred (200) grams or more of a mixture or  
6 substance containing a detectable amount of  
7 amphetamine or methamphetamine shall be punishable by  
8 a fine ~~of~~ not less than Fifty Thousand Dollars  
9 (\$50,000.00) and not more than Five Hundred Thousand  
10 Dollars (\$500,000.00), or

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

17 5. Lysergic acid diethylamide (LSD):

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

1 Dollars (\$50,000.00) and not more than One Hundred  
2 Thousand Dollars (\$100,000.00), or

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

12 6. Phencyclidine (PCP):

- 13 a. twenty (20) grams or more of a substance containing a  
14 mixture or substance containing a detectable amount of  
15 phencyclidine (PCP) shall be trafficking punishable by  
16 a term of imprisonment in the custody of the  
17 Department of Corrections not to exceed twenty (20)  
18 years and by a fine ~~of~~ not less than Twenty Thousand  
19 Dollars (\$20,000.00) and not more than Fifty Thousand  
20 Dollars (\$50,000.00), or  
21 b. one hundred fifty (150) grams or more of a substance  
22 containing a mixture or substance containing a  
23 detectable amount of phencyclidine (PCP) shall be  
24 aggravated trafficking punishable by a term of

1 imprisonment in the custody of the Department of  
2 Corrections ~~of~~ not less than two (2) years nor more  
3 than life and by a fine ~~of~~ not less than Fifty  
4 Thousand Dollars (\$50,000.00) and not more than Two  
5 Hundred Fifty Thousand Dollars (\$250,000.00);

6 7. Methylenedioxy methamphetamine:

- 7 a. thirty (30) tablets or ten (10) grams of a mixture or  
8 substance containing a detectable amount of 3,4-  
9 Methylenedioxy methamphetamine shall be trafficking  
10 punishable by a term of imprisonment in the custody of  
11 the Department of Corrections not to exceed twenty  
12 (20) years and by a fine ~~of~~ not less than Twenty-five  
13 Thousand Dollars (\$25,000.00) and not more than One  
14 Hundred Thousand Dollars (\$100,000.00), or  
15 b. one hundred (100) tablets or thirty (30) grams of a  
16 mixture or substance containing a detectable amount of  
17 3,4-Methylenedioxy methamphetamine shall be deemed  
18 aggravated trafficking punishable by a term of  
19 imprisonment in the custody of the Department of  
20 Corrections ~~of~~ not less than two (2) years nor more  
21 than life by a fine ~~of~~ not less than One Hundred  
22 Thousand Dollars (\$100,000.00) and not more than Five  
23 Hundred Thousand Dollars (\$500,000.00);  
24

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

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

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

20 11. Benzodiazepine: Five hundred (500) grams or more of a  
21 mixture containing a detectable amount of benzodiazepine shall be  
22 trafficking punishable by a term of imprisonment not to exceed  
23 twenty (20) years and by a fine ~~of~~ not less than One Hundred  
24

1 Thousand Dollars (\$100,000.00) and not more than Five Hundred  
2 Thousand Dollars (\$500,000.00); and

3 12. Fentanyl and its analogs and derivatives:

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

21 D. Any person who violates the provisions of this section with  
22 respect to marijuana, cocaine, coca leaves, cocaine base, heroin,  
23 amphetamine or methamphetamine in a quantity specified in paragraphs  
24 1, 2, 3 and 4 of subsection C of this section shall, in addition to

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

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

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

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

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

20 If the person is convicted of aggravated trafficking, the person  
21 shall serve ~~eighty five percent (85%)~~ sixty percent (60%) of such  
22 sentence before being eligible for parole consideration.



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

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 and the assessment pursuant to  
9 Section 2-503.2 of this title.

10 SECTION 4. This act shall become effective November 1, 2023.

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