

**COMMITTEE AMENDMENT**  
HOUSE OF REPRESENTATIVES  
State of Oklahoma

SPEAKER:

CHAIR:

I move to amend HB1567 \_\_\_\_\_  
Of the printed Bill  
Page \_\_\_\_\_ Section \_\_\_\_\_ Lines \_\_\_\_\_  
Of the Engrossed Bill

By striking the Title, the Enacting Clause, the entire bill, and by inserting in lieu thereof the following language:

**AMEND TITLE TO CONFORM TO AMENDMENTS**

Amendment submitted by: Jeff Boatman \_\_\_\_\_

Adopted: \_\_\_\_\_

\_\_\_\_\_  
Reading Clerk

1 STATE OF OKLAHOMA

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

3 PROPOSED COMMITTEE  
4 SUBSTITUTE  
5 FOR  
6 HOUSE BILL NO. 1567

By: Boatman

7 PROPOSED COMMITTEE SUBSTITUTE

8 An Act relating to public health and safety; amending  
9 63 O.S. 2011, Section 2-415, as last amended by  
10 Section 40, Chapter 25, O.S.L. 2019 (63 O.S. Supp.  
11 2020, Section 2-415), which relates to the Uniform  
12 Controlled Dangerous Substances Act; deeming certain  
13 unlawful act as aggravated trafficking; modifying  
14 certain penalties; decreasing certain fine amount;  
15 providing separate penalty provision for aggravated  
16 trafficking of fentanyl; updating internal citations;  
17 and providing an effective date.

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

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

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

- 25 1. ~~Marihuana~~ Marijuana;
- 26 2. Cocaine or coca leaves;
- 27 3. Heroin;

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

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

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

24

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

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

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

14 1. ~~Marihuana~~ Marijuana:

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

21 b. one thousand (1,000) pounds or more of a mixture or  
22 substance containing a detectable amount of ~~marihuana~~  
23 marijuana shall be deemed aggravated trafficking  
24 punishable by a fine of not less than One Hundred

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

3       2. Cocaine, coca leaves or cocaine base:

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

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

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

22       3. Heroin:

23           a.   ten (10) grams or more of a mixture or substance  
24           containing a detectable amount of heroin shall be

1 punishable by a fine of not less than Twenty-five  
2 Thousand Dollars (\$25,000.00) and not more than Fifty  
3 Thousand Dollars (\$50,000.00), or

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

10 4. Amphetamine or methamphetamine:

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

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

23 c. four hundred fifty (450) grams or more of a mixture or  
24 substance containing a detectable amount of

1           amphetamine or methamphetamine shall be deemed  
2           aggravated trafficking punishable by a fine of not  
3           less than Fifty Thousand Dollars (\$50,000.00) and not  
4           more than Five Hundred Thousand Dollars (\$500,000.00);

5       5. Lysergic acid diethylamide (LSD):

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

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

23       6. Phencyclidine (PCP):

24

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

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

18 7. Methylenedioxy methamphetamine:

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



1 Thousand Dollars (\$25,000.00) and not more than One  
2 Hundred Thousand Dollars (\$100,000.00), or

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

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

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

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

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

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

15           a. one (1) gram or more of a mixture containing fentanyl  
16 or carfentanil, or any fentanyl analogs or derivatives  
17 shall be trafficking punishable by a term of  
18 imprisonment in the custody of the Department of  
19 Corrections not to exceed twenty (20) years and by a  
20 fine of not less than One Hundred Thousand Dollars  
21 (\$100,000.00) and not more than ~~Five Hundred Thousand~~  
22 Dollars ~~(\$500,000.00)~~ Two Hundred Fifty Thousand  
23 Dollars (\$250,000.00), or  
24

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

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

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

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

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

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

10          If the person is convicted of aggravated trafficking as provided  
11 in subparagraph b of paragraph 1 of subsection C of this section,  
12 subparagraph c of paragraph 2 of subsection C of this section ~~or~~,  
13 subparagraph b of paragraph 3 of subsection C of this section,  
14 subparagraph c of paragraph 4 of subsection C of this section or  
15 subparagraph b of paragraph 12 of subsection C of this section, a  
16 sentence of imprisonment in the custody of the Department of  
17 Corrections as provided in paragraphs 1, 2 and 3 of subsection D of  
18 this section, of which the person shall serve eighty-five percent  
19 (85%) of such sentence before being eligible for parole  
20 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.

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

8  
9 58-1-7444 GRS 02/09/21

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