

Committee on Criminal Justice

CS/SB 360 — Sentencing for Controlled Substance Violations

by Appropriations Committee; and Senators Bradley and Evers

The bill increases the minimum weight threshold for trafficking in oxycodone and hydrocodone (painkillers) under s. 893.135, F.S., the drug trafficking statute. As a result of this change, persons who unlawfully possess, sell, etc., relatively small quantities of oxycodone or hydrocodone will no longer be punished for drug trafficking. The bill increases the threshold for oxycodone from 4 grams to 7 grams and the threshold for hydrocodone from 4 grams to 14 grams. Persons who have less than the trafficking threshold amount still may be punished for unlawful acts involving controlled substances, but the penalties are not as significant as drug trafficking penalties. Further, some persons who meet the revised weight threshold for trafficking in oxycodone or hydrocodone will receive a shorter mandatory minimum term than under current law.

Specifically, the bill provides that trafficking in less than 30 kilograms of oxycodone or hydrocodone is a first degree felony and is subject to the following mandatory minimum terms and fines:

- Trafficking in 7 grams or more, but less than 14 grams, of oxycodone or 14 grams or more, but less than 28 grams, of hydrocodone: 3-year mandatory minimum term and \$50,000 fine.
- Trafficking in 14 grams or more, but less than 25 grams, of oxycodone, or 28 grams or more, but less than 50 grams, of hydrocodone: 7-year mandatory minimum term and \$100,000 fine.
- Trafficking in 25 grams or more, but less than 100 grams, of oxycodone, or 50 grams or more, but less than 200 grams, of hydrocodone: 15-year mandatory minimum term and \$500,000 fine.
- Trafficking in 100 grams or more, but less than 30 kilograms, of oxycodone, or 200 grams or more, but less than 30 kilograms, of hydrocodone: 25-year mandatory minimum term and \$750,000 fine.

If approved by the Governor, these provisions take effect July 1, 2014.

Vote: Senate 37-0; House 113-2