2014

1	A bill to be entitled
2	An act relating to sentencing for controlled substance
3	violations; providing a short title; amending s.
4	893.135, F.S.; revising criminal penalties for persons
5	engaged in illegal trafficking of prescription drugs
6	involving specified quantities of oxycodone or
7	hydrocodone; providing an effective date.
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9	Be It Enacted by the Legislature of the State of Florida:
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11	Section 1. This act may be cited as the Elizabeth
12	Dillinger Act."
13	Section 2. Paragraph (c) of subsection (1) of section
14	893.135, Florida Statutes, is amended to read:
15	893.135 Trafficking; mandatory sentences; suspension or
16	reduction of sentences; conspiracy to engage in trafficking
17	(1) Except as authorized in this chapter or in chapter 499
18	and notwithstanding the provisions of s. 893.13:
19	(c)1. Any person who knowingly sells, purchases,
20	manufactures, delivers, or brings into this state, or who is
21	knowingly in actual or constructive possession of, 4 grams or
22	more of any morphine, opium, <del>oxycodone, hydrocodone,</del>
23	hydromorphone, or any salt, derivative, isomer, or salt of an
24	isomer thereof, including heroin, as described in s.
25	893.03(1)(b), (2)(a), (3)(c)3., or (3)(c)4., or 4 grams or more
26	of any mixture containing any such substance, but less than 30
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27 kilograms of such substance or mixture, commits a felony of the 28 first degree, which felony shall be known as "trafficking in illegal drugs," punishable as provided in s. 775.082, s. 29 775.083, or s. 775.084. If the quantity involved: 30 Is 4 grams or more, but less than 14 grams, such person 31 a. 32 shall be sentenced to a mandatory minimum term of imprisonment 33 of 3 years, and the defendant shall be ordered to pay a fine of 34 \$50,000. Is 14 grams or more, but less than 28 grams, such 35 b. person shall be sentenced to a mandatory minimum term of 36 37 imprisonment of 15 years, and the defendant shall be ordered to pay a fine of \$100,000. 38 39 Is 28 grams or more, but less than 30 kilograms, such с. person shall be sentenced to a mandatory minimum term of 40 41 imprisonment of 25 calendar years and the defendant shall be 42 ordered to pay a fine of \$500,000. 2. A person who knowingly sells, purchases, manufactures, 43 delivers, or brings into this state, or who is knowingly in 44 45 actual or constructive possession of 14 grams or more of 46 oxycodone or hydrocodone, or 14 grams or more of a mixture 47 containing any such substance, commits a felony of the first 48 degree, which felony shall be known as "illegal trafficking in 49 prescription drugs," punishable as provided in s. 775.082, s. 775.083, or s. 775.084. If the quantity involved: 50 51 a. Is 14 grams or more, but less than 28 grams, such 52 person shall be sentenced to a mandatory minimum term of Page 2 of 5

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53 imprisonment of 3 years, and the defendant shall be ordered to 54 pay a fine of \$50,000. 55 b. Is 28 grams or more, but less than 50 grams, such 56 person shall be sentenced to a mandatory minimum term of 57 imprisonment of 7 years, and the defendant shall be ordered to 58 pay a fine of \$100,000. 59 c. Is 50 grams or more, but less than 200 grams, such 60 person shall be sentenced to a mandatory minimum term of 61 imprisonment of 15 calendar years, and the defendant shall be 62 ordered to pay a fine of \$500,000. 63 Is 200 grams or more, such person shall be sentenced to d. 64 a mandatory minimum term of imprisonment of 25 calendar years, 65 and the defendant shall be ordered to pay a fine of \$750,000. 3.2. Any person who knowingly sells, purchases, 66 67 manufactures, delivers, or brings into this state, or who is knowingly in actual or constructive possession of, 30 kilograms 68 69 or more of any morphine, opium, oxycodone, hydrocodone, 70 hydromorphone, or any salt, derivative, isomer, or salt of an 71 isomer thereof, including heroin, as described in s. 893.03(1)(b), (2)(a), (3)(c)3., or (3)(c)4., or 30 kilograms or 72 73 more of any mixture containing any such substance, commits the 74 first degree felony of trafficking in illegal drugs. A person 75 who has been convicted of the first degree felony of trafficking 76 in illegal drugs under this subparagraph shall be punished by 77 life imprisonment and is ineligible for any form of 78 discretionary early release except pardon or executive clemency Page 3 of 5

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79 or conditional medical release under s. 947.149. However, if the 80 court determines that, in addition to committing any act 81 specified in this paragraph:

a. The person intentionally killed an individual or
counseled, commanded, induced, procured, or caused the
intentional killing of an individual and such killing was the
result; or

b. The person's conduct in committing that act led to anatural, though not inevitable, lethal result,

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89 such person commits the capital felony of trafficking in illegal 90 drugs, punishable as provided in ss. 775.082 and 921.142. Any 91 person sentenced for a capital felony under this paragraph shall 92 also be sentenced to pay the maximum fine provided under 93 subparagraph 1.

94 4.3. Any person who knowingly brings into this state 60 95 kilograms or more of any morphine, opium, oxycodone, 96 hydrocodone, hydromorphone, or any salt, derivative, isomer, or 97 salt of an isomer thereof, including heroin, as described in s. 893.03(1)(b), (2)(a), (3)(c)3., or (3)(c)4., or 60 kilograms or 98 99 more of any mixture containing any such substance, and who knows 100 that the probable result of such importation would be the death 101 of any person, commits capital importation of illegal drugs, a 102 capital felony punishable as provided in ss. 775.082 and 103 921.142. Any person sentenced for a capital felony under this 104 paragraph shall also be sentenced to pay the maximum fine Page 4 of 5

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105 provided under subparagraph 1.

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Section 3. This act shall take effect July 1, 2014.

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