- 1 HB376
- 2 138687-3
- 3 By Representatives Galliher, Ball, Treadaway and McCutcheon
- 4 RFD: Judiciary
- 5 First Read: 21-FEB-12

1	<u>ENGROSSED</u>
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4	A BILL
5	TO BE ENTITLED
6	AN ACT
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8	To amend Section 13A-12-211, Code of Alabama 1975,
9	to create the crime of possession of a controlled substance
10	with intent to distribute; to provide penalties; and in
11	connection therewith would have as its purpose or effect the
12	requirement of a new or increased expenditure of local funds
13	within the meaning of Amendment 621 of the Constitution of
14	Alabama of 1901, now appearing as Section 111.05 of the
15	Official Recompilation of the Constitution of Alabama of 1901
16	as amended.
17	BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:
18	Section 1. Section 13A-12-211, Code of Alabama 1975
19	is amended to read as follows:
20	"§13A-12-211.
21	"(a) A person commits the crime of unlawful
22	distribution of controlled substances if, except as otherwise
23	authorized, he or she sells, furnishes, gives away, delivers,
24	or distributes a controlled substance enumerated in Schedules
25	I through V.
26	"(b) Unlawful distribution of controlled substances
27	is a Class B felony.

1	"(c) A person commits the crime of unlawful
2	possession with intent to distribute a controlled substance
3	if, except as otherwise authorized by law, he or she knowingly
4	possesses any of the following quantities of a controlled
5	substance:
6	"(1) More than eight grams, but less than 28 grams,
7	of cocaine or of any mixture containing cocaine.
8	"(2) More than two grams, but less than four grams,
9	of any morphine, opium, or any salt, isomer, or salt of an
10	isomer thereof, including heroin.
11	"(3) More than eight grams, but less than 28 grams,
12	of 3,4-methylenedioxy amphetamine, or of any mixture
13	<pre>containing 3,4-methylenedioxy amphetamine.</pre>
14	"(4) More than eight grams, but less than 28 grams,
15	of 5-methoxy-3, 4-methylenedioxy amphetamine, or of any
16	mixture containing 5-methoxy-3, 4-methylenedioxy amphetamine.
17	"(5) More than eight grams, but less than 28 grams,
18	of amphetamine or any mixture containing amphetamine, its
19	salt, optical isomer, or salt of its optical isomer thereof.
20	"(6) More than eight grams, but less than 28 grams,
21	of methamphetamine or any mixture containing methamphetamine,
22	its salts, optical isomers, or salt of its optical isomers
23	thereof.
24	"(d) Unlawful possession with intent to distribute a
25	<pre>controlled substance is a Class B felony."</pre>
26	Section 2. Although this bill would have as its
27	purpose or effect the requirement of a new or increased

expenditure of local funds, the bill is excluded from further 1 2 requirements and application under Amendment 621, now appearing as Section 111.05 of the Official Recompilation of 3 the Constitution of Alabama of 1901, as amended, because the 4 5 bill defines a new crime or amends the definition of an existing crime. 6 7 Section 3. This act shall become effective on the first day of the third month following its passage and 8

approval by the Governor, or its otherwise becoming law.

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3	House of Representatives
4 5 6 7	Read for the first time and re- ferred to the House of Representa- tives committee on Judiciary 21-FEB-12
8 9 10	Read for the second time and placed on the calendar with 1 substitute and 22-MAR-12
12 13 14	Read for the third time and passed as amended 05-APR-12 Yeas 74, Nays 13, Abstains 0
15 16 17 18	Greg Pappas Clerk