

1 SB208
2 136785-5
3 By Senators Orr, Brewbaker, Ward, Taylor and Fielding
4 RFD: Judiciary
5 First Read: 07-FEB-12

1 SB208

2
3
4 ENROLLED, An Act,

5 Relating to Schedule I controlled substances; to
6 amend Section 20-2-23, Code of Alabama 1975; to provide
7 legislative findings relating to controlled substance analogs;
8 to add cathinone compounds, certain named chemical compounds
9 of synthetic cannabinoids, and controlled substance analogs to
10 the Schedule I controlled substances list subject to
11 regulation and penalties in the same manner as other
12 controlled substances; to amend Section 3A-12-214.1, Code of
13 Alabama 1975, to remove references to certain named chemical
14 compounds of synthetic cannabinoids for consistency with the
15 addition of these compounds to Schedule I; to amend Section
16 13A-12-231, Code of Alabama 1975, to provide penalties for
17 trafficking in controlled substance analogs added to Schedule
18 I; and in connection therewith would have as its purpose or
19 effect the requirement of a new or increased expenditure of
20 local funds within the meaning of Amendment 621 of the
21 Constitution of Alabama of 1901, now appearing as Section
22 111.05 of the Official Recompilation of the Constitution of
23 Alabama of 1901, as amended.

24 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

25 Section 1. The Legislature finds the following:

1 (1) New synthetic substances are being created which
2 are not controlled under the provisions of existing state law
3 but which have a potential for abuse similar to or greater
4 than that for substances controlled under existing state law.
5 These new synthetic substances are called "controlled
6 substance analogs," and can be designed to produce a desired
7 pharmacological effect and to evade the controlling statutory
8 provisions. Controlled substance analogs are being
9 manufactured, distributed, possessed, and used as substitutes
10 for controlled substances.

11 (2) The hazards attributable to the traffic in and
12 use of controlled substance analogs are increased because
13 their unregulated manufacture produces variations in purity
14 and concentration.

15 (3) Many new synthetic substances are untested, and
16 it cannot be immediately determined whether they have useful
17 medical or chemical purposes.

18 (4) The uncontrolled importation, manufacture,
19 distribution, possession, or use of controlled substance
20 analogs has a substantial and detrimental impact on the health
21 and safety of the people of this state.

22 (5) Controlled substance analogs can be created more
23 rapidly than they can be identified and controlled by action
24 of the Legislature. There is a need for a speedy determination
25 of their proper classification under existing law. It is

1 therefore necessary to identify and classify new substances
2 that have a potential for abuse, so that they can be
3 controlled in the same manner as other substances controlled
4 under existing state law.

5 Section 2. Sections 20-2-23, 13A-12-214.1, and
6 13A-12-231, Code of Alabama 1975, are amended to read as
7 follows:

8 "§20-2-23.

9 "The controlled substances listed in this section
10 are included in Schedule I:

11 "(1) Any of the following opiates, including their
12 isomers, esters, ethers, salts, and salts of isomers, esters
13 and ethers, unless specifically excepted, whenever the
14 existence of these isomers, esters, ethers and salts is
15 possible within the specific chemical designation:

16 "a. Acetylmethadol;

17 "b. Allylprodine;

18 "c. Alphacetylmethadol;

19 "d. Alphameprodine;

20 "e. Alphamethadol;

21 "f. Benzethidine;

22 "g. Betacetylmethadol;

23 "h. Betameprodine;

24 "i. Betamethadol;

25 "j. Betaprodine;

- 1 "k. Clonitazene;
- 2 "l. Dextromoramide;
- 3 "m. Dextrorphan;
- 4 "n. Diampromide;
- 5 "o. Diethylthiambutene;
- 6 "p. Dimenoxadol;
- 7 "q. Dimepheptanol;
- 8 "r. Dimethylthiambutene;
- 9 "s. Dioxaphetyl butyrate;
- 10 "t. Dipipanone;
- 11 "u. Ethylmethylthiambutene;
- 12 "v. Etonitazene;
- 13 "w. Etoxeridine;
- 14 "x. Furethidine;
- 15 "y. Hydroxypethidine;
- 16 "z. Ketobemidone;
- 17 "aa. Levomoramide;
- 18 "bb. Levophenacylmorphan;
- 19 "cc. Morpheridine;
- 20 "dd. Noracymethadol;
- 21 "ee. Norlevorphanol;
- 22 "ff. Normethadone;
- 23 "gg. Norpipanone;
- 24 "hh. Phenadoxone;
- 25 "ii. Phenampromide;

- 1 "jj. Phenomorphan;
- 2 "kk. Phenoperidine;
- 3 "ll. Piritramide;
- 4 "mm. Proheptazine;
- 5 "nn. Properidine;
- 6 "oo. Racemoramide;
- 7 "pp. Trimeperidine.

8 "(2) Any of the following opium derivatives, their
9 salts, isomers and salts of isomers, unless specifically
10 excepted, whenever the existence of these salts, isomers and
11 salts of isomers is possible within the specific chemical
12 designation:

- 13 "a. Acetorphine;
- 14 "b. Acetyldihydrocodeine;
- 15 "c. Benzylmorphine;
- 16 "d. Codeine methylbromide;
- 17 "e. Codeine-N-Oxide;
- 18 "f. Cyprenorphine;
- 19 "g. Desomorphine;
- 20 "h. Dihydromorphine;
- 21 "i. Etorphine;
- 22 "j. Heroin;
- 23 "k. Hydromorphenol;
- 24 "l. Methyldesorphine;
- 25 "m. Methyldihydromorphine;

- 1 "n. Morphine methylbromide;
- 2 "o. Morphine methylsulfonate;
- 3 "p. Morphine-N-Oxide;
- 4 "q. Myrophine;
- 5 "r. Nicocodeine;
- 6 "s. Nicomorphine;
- 7 "t. Normorphine;
- 8 "u. Pholcodine;
- 9 "v. Thebacon.

10 "(3) Any material, compound, mixture or preparation
11 which contains any quantity of the following hallucinogenic
12 substances, their salts, isomers and salts of isomers, unless
13 specifically excepted, whenever the existence of these salts,
14 isomers and salts of isomers is possible within the specific
15 chemical designation:

- 16 "a. 3,4-methylenedioxy amphetamine;
- 17 "b. 5-methoxy-3,4-methylenedioxy amphetamine;
- 18 "c. 3,4,5-trimethoxy amphetamine;
- 19 "d. Bufotenine;
- 20 "e. Diethyltryptamine;
- 21 "f. Dimethyltryptamine;
- 22 "g. 4-methyl-2,5-dimethoxy amphetamine;
- 23 "h. Ibogaine;
- 24 "i. Lysergic acid diethylamide;
- 25 "j. Marihuana;

1 "k. Mescaline;

2 "l. Peyote;

3 "m. N-ethyl-3-piperidyl benzilate;

4 "n. N-methyl-3-piperidyl benzilate;

5 "o. Psilocybin;

6 "p. Psilocyn;

7 "q. Tetrahydrocannabinols.

8 "(4) Any of the following chemical compounds:

9 "a. 3,4-Methylenedioxymethcathinone (Methylone),
10 some trade or other names: N-methylcathinone.

11 "b. 3,4-Methylenedioxypyrovalerone (MDPV), some
12 trade or other names: N-methylcathinone.

13 "c. 4-Methylmethcathinone (Mephedrone), some trade
14 or other names: N-methylcathinone.

15 "d. 4-Methoxymethcathinone, some trade or other
16 names: PMMA.

17 "e. 3-Fluoromethcathinone, some trade or other
18 names: 3-FMC.

19 "f. 4-Fluoromethcathinone, some trade or other
20 names: 4-FMC.

21 "g.
22 1-[(5-fluoropentyl)-1H-indol-3-yl]-(2-iodophenyl)methanone,
23 some trade or other names: AM-694.

1 "h.
2 1-[(5-fluoropentyl)-1H-indol-3-yl]-(naphthalen-1-yl)methanone,
3 some trade or other names: AM-2201.

4 "i. 2-[(1R,3S)-3-hydroxycyclohexyl]-
5 5-(2-methylnonan-2-yl)phenol phenol, some trade or other
6 names: Cannabicyclohexanol.

7 "j. (6aR, 10aR)-9-(hydroxymethyl)-6,
8 6-dimethyl-3-(2-methyloctan-2-yl)-6a
9 ,7,10,10a-tetrahydrobenzo[c]chromen-1-ol, some trade or other
10 names: HU-210.

11 "k.
12 (6aS,10aS)-9-(Hydroxymethyl)-6,6-dimethyl-3-(2-methyloctan-2-y
13 1)-6a,7,10,10a-tetrahydrobenzo[c]chromen-1-ol, some trade or
14 other names: HU-211, Dexanabinol.

15 "l. 1-Pentyl-2-methyl-3-(1-naphthoyl)indole, some
16 trade or other names: JWH-007.

17 "m.
18 (2-Methyl-1-propyl-1H-indol-3-yl)-1-naphthalenylmethanone,
19 some trade or other names: JWH-015.

20 "n. Naphthalen-1-yl-(1-pentylindol-3-yl)methanone,
21 some trade or other names: JWH-018.

22 "o. 1-Hexyl-3-(naphthalen-1-oyl)indole, some trade
23 or other names: JWH-019.

24 "p. Naphthalen-1-yl-(butylindol-3-yl)methanone, some
25 trade or other names: JWH-073.

1 "q.
2 4-Methoxynaphthalen-1-yl-(1-pentylindol-3-yl)methanone, some
3 trade or other names: JWH-081.

4 "r.
5 4-Methoxynaphthalen-1-yl-(1-pentyl-2-methylindol-3-yl)
6 methanone, some trade or other names: JWH-098.

7 "s.
8 4-Methylnaphthalen-1-yl-(1-pentylindol-3-yl)methanone, some
9 trade or other names: JWH-122.

10 "t.
11 (1-(2-Morpholin-4-ylethyl)indol-3-yl)-naphthalen-1-ylmethanone
12 , some trade or other names: JWH-200.

13 "u.
14 2-(2-Chlorophenyl)-1-(1-pentylindol-3-yl)ethanone, some trade
15 or other names: JWH-203.

16 "v.
17 4-Ethyl-naphthalen-1-yl-(1-pentylindol-3-yl)methanone, some
18 trade or other names: JWH-210.

19 "w.
20 2-(2-Methoxyphenyl)-1-(1-pentylindol-3-yl)ethanone, some trade
21 or other names: JWH-250.

22 "x.
23 5-(2-fluorophenyl)-1-pentylpyrrol-3-yl)-naphthalen-1-ylmethano
24 ne, some trade or other names: JWH-307.

1 "y. 1-Pentyl-3-(4-Chloro-1-naphthoyl)indole, some
2 trade or other names: JWH-398.

3 "z.
4 2-[(1R,3S)-3-hydroxycyclohexyl]-5-(2-methyloctan-2-yl)phenol,
5 some trade or other names: CP 47, 497, and homologues.

6 "aa.
7 2-(2-Methoxyphenyl)-1-[1-(2-cyclohexylethyl)indol-3-yl]ethanon
8 e, some trade or other names: RCS-8, SR-18.

9 bb.
10 2-(4-Methoxyphenyl)-1-(1-pentyl-indol-3-yl)methanone, some
11 trade or other names: RCS-4.

12 "cc.
13 (R)-(+)-[2,3-Dihydro-5-methyl-3-(4-morpholinylmethyl)pyrrolo[1
14 ,2,3-de]-1,4-benzoxazin-6-yl]-1-napthalenylmethanone, some
15 trade or other names: WIN 55,212-2.

16 "dd.
17 (4-Methoxyphenyl)-[2-methyl-1-(2-morpholin-4-ylethyl)indol-3-y
18 l]methanone, some trade or other names: WIN 48,098,
19 Pravadoline.

20 "(5) a. A controlled substance analog, being a
21 material, mixture, or preparation that contains any chemical
22 structure of which is chemically similar to the chemical
23 structure of any other controlled substance in Schedule I or
24 Schedule II and that satisfies any one of the following:

1 "1. Has a stimulant, depressant, or hallucinogenic
2 effect on the central nervous system that mimics or is similar
3 to or greater than the stimulant, depressant, or
4 hallucinogenic effect on the central nervous system of a
5 controlled substance in Schedule I or Schedule II.

6 "2. With respect to a particular person, if the
7 person represents or intends that the substance have a
8 stimulant, depressant, or hallucinogenic effect on the central
9 nervous system that is substantially similar to or greater
10 than the stimulant, depressant, or hallucinogenic effect on
11 the central nervous system of a controlled substance in
12 Schedule I or Schedule II.

13 "3. Has been demonstrated to have binding activity
14 at one or more cannabinoid receptors.

15 "4. Is capable of exhibiting cannabinoid-like
16 activity.

17 "5. Any compound structurally derived from
18 3-(1-naphthoyl)indole or 1H-indol-3-yl-(1-naphthyl)methane by
19 substitution at the nitrogen atom of the indole ring by alkyl,
20 alkenyl, cycloalkylmethyl, cycloalkylethyl or
21 2-(4-morpholinyl)ethyl whether or not further substituted in
22 the indole ring to any extent, whether or not substituted in
23 the naphthyl ring to any extent.

24 "6. Any compound structurally derived from
25 3-(1-naphthoyl)pyrrole by substitution at the nitrogen atom of

1 the pyrrole ring by alkyl, alkenyl, cycloalkylmethyl,
2 cycloalkylethyl or 2-(4-morpholinyl)ethyl, whether or not
3 further substituted in the pyrrole ring to any extent, whether
4 or not substituted in the naphthyl ring to any extent.

5 "7. Any compound structurally derived from
6 1-(1-naphthylmethyl)indene by substitution at the 3-position
7 of the indene ring by alkyl, alkenyl, cycloalkylmethyl,
8 cycloalkylethyl or 2-(4-morpholinyl)ethyl whether or not
9 further substituted in the indene ring to any extent, whether
10 or not substituted in the naphthyl ring to any extent.

11 "8. Any compound structurally derived from
12 3-phenylacetylindole by substitution at the nitrogen atom of
13 the indole ring with alkyl, alkenyl, cycloalkylmethyl,
14 cycloalkylethyl or 2-(4-morpholinyl)ethyl, whether or not
15 further substituted in the indole ring to any extent, whether
16 or not substituted in the phenyl ring to any extent.

17 "9. Any compound structurally derived from
18 2-(3-hydroxycyclohexyl)phenol by substitution at the
19 5-position of the phenolic ring by alkyl, alkenyl,
20 cycloalkylmethyl, cycloalkylethyl or 2-(4-morpholinyl)ethyl,
21 whether or not substituted in the cyclohexyl ring to any
22 extent.

23 "b. A controlled substance analog does not include
24 any of the following:

1 "1. Any substance for which there is an approved new
2 drug application under the Federal Food, Drug, and Cosmetic
3 Act.

4 "2. With respect to a particular person, any
5 substance, if an exemption is in effect for investigational
6 use, for that person, as provided by 21 U.S.C. § 355, and the
7 person is registered as a controlled substance researcher as
8 required under section 152.12, subdivision 3, to the extent
9 conduct with respect to the substance is pursuant to the
10 exemption and registration.

11 "c. A controlled substance analog, to the extent
12 intended for human consumption, is treated as a controlled
13 substance in Schedule I.

14 "d. After the Alabama Department of Forensic
15 Sciences has determined a substance to be a controlled
16 substance analog under this section, the department shall
17 notify the Alabama Department of Public Health with
18 information relevant to scheduling as provided by Section
19 20-2-20.

20 "§13A-12-214.1.

21 "(a) The possession of salvia divinorum or
22 salvinorum A , including all parts of the plant presently
23 classified botanically as salvia divinorum, whether growing or
24 not, the seeds thereof, any extract from any part of such
25 plant, and every compound, manufacture, salts, derivative,

1 mixture, or preparation of such plant, its seeds or extracts
2 shall be illegal in this state.

3 "(b) A violation of subsection (a) shall be subject
4 to the same penalties as a violation of Sections 13A-12-213
5 and 13A-12-214."

6 "§13A-12-231.

7 "Except as authorized in Chapter 2, Title 20:

8 "(1) Any person who knowingly sells, manufactures,
9 delivers, or brings into this state, or who is knowingly in
10 actual or constructive possession of, in excess of one kilo or
11 2.2 pounds of any part of the plant of the genus Cannabis,
12 whether growing or not, the seeds thereof, the resin extracted
13 from any part of the plant, and every compound, manufacture,
14 salt, derivative, mixture, or preparation of the plant, its
15 seeds, or resin including the completely defoliated mature
16 stalks of the plant, fiber produced from the stalks, oil, or
17 cake, or the completely sterilized samples of seeds of the
18 plant which are incapable of germination is guilty of a
19 felony, which felony shall be known as "trafficking in
20 cannabis." Nothing in this subdivision shall apply to samples
21 of tetrahydrocannabinols including, but not limited to, all
22 synthetic or naturally produced samples of
23 tetrahydrocannabinols which contain more than 15 percent by
24 weight of tetrahydrocannabinols and which do not contain plant

1 material exhibiting the external morphological features of the
2 plant cannabis. If the quantity of cannabis involved:

3 "a. Is in excess of one kilo or 2.2 pounds, but less
4 than 100 pounds, the person shall be sentenced to a mandatory
5 minimum term of imprisonment of three calendar years and to
6 pay a fine of twenty-five thousand dollars (\$25,000).

7 "b. Is 100 pounds or more, but less than 500 pounds,
8 the person shall be sentenced to a mandatory minimum term of
9 imprisonment of five calendar years and to pay a fine of fifty
10 thousand dollars (\$50,000).

11 "c. Is 500 pounds or more, but less than 1,000
12 pounds, the person shall be sentenced to a mandatory minimum
13 term of imprisonment of 15 calendar years and to pay a fine of
14 two hundred thousand dollars (\$200,000).

15 "d. Is 1,000 pounds or more, the person shall be
16 sentenced to a mandatory term of imprisonment of life without
17 parole.

18 "(2) Any person who knowingly sells, manufactures,
19 delivers, or brings into this state, or who is knowingly in
20 actual or constructive possession of, 28 grams or more of
21 cocaine or of any mixture containing cocaine, described in
22 Section 20-2-25(1), is guilty of a felony, which felony shall
23 be known as "trafficking in cocaine." If the quantity
24 involved:

1 "a. Is 28 grams or more, but less than 500 grams,
2 the person shall be sentenced to a mandatory minimum term of
3 imprisonment of three calendar years and to pay a fine of
4 fifty thousand dollars (\$50,000).

5 "b. Is 500 grams or more, but less than one kilo,
6 the person shall be sentenced to a mandatory minimum term of
7 imprisonment of five calendar years and to pay a fine of one
8 hundred thousand dollars (\$100,000).

9 "c. Is one kilo, but less than 10 kilos, then the
10 person shall be sentenced to a mandatory minimum term of
11 imprisonment of 15 calendar years and to pay a fine of two
12 hundred fifty thousand dollars (\$250,000).

13 "d. Is 10 kilos or more, the person shall be
14 sentenced to a mandatory term of imprisonment of life without
15 parole.

16 "(3) Any person who knowingly sells, manufactures,
17 delivers, or brings into this state, or who is knowingly in
18 actual or constructive possession of, four grams or more of
19 any morphine, opium, or any salt, isomer, or salt of an isomer
20 thereof, including heroin, as described in Section 20-2-23(2)
21 or Section 20-2-25(1)a., or four grams or more of any mixture
22 containing any such substance, is guilty of a felony, which
23 felony shall be known as "trafficking in illegal drugs." If
24 the quantity involved:

1 "a. Is four grams or more, but less than 14 grams,
2 the person shall be sentenced to a mandatory minimum term of
3 imprisonment of three calendar years and to pay a fine of
4 fifty thousand dollars (\$50,000).

5 "b. Is 14 grams or more, but less than 28 grams, the
6 person shall be sentenced to a mandatory minimum term of
7 imprisonment of 10 calendar years and to pay a fine of one
8 hundred thousand dollars (\$100,000).

9 "c. Is 28 grams or more, but less than 56 grams, the
10 person shall be sentenced to a mandatory minimum term of
11 imprisonment of 25 calendar years and to pay a fine of five
12 hundred thousand dollars (\$500,000).

13 "d. Is 56 grams or more, the person shall be
14 sentenced to a mandatory term of imprisonment of life without
15 parole.

16 "(4) Any person who knowingly sells, manufactures,
17 delivers, or brings into this state, or who is knowingly in
18 actual or constructive possession of 1,000 or more pills or
19 capsules of methaqualone, as described in Section 20-2-1, et
20 seq., is guilty of a felony, which felony shall be known as
21 "trafficking in illegal drugs." If the quantity involved:

22 "a. Is 1,000 pills or capsules, but less than 5,000
23 pills or capsules, the person shall be sentenced to a
24 mandatory minimum term of imprisonment of three calendar years
25 and pay a fine of fifty thousand dollars (\$50,000).

1 "b. Is 5,000 capsules or more, but less than 25,000
2 capsules, that person shall be imprisoned to a mandatory
3 minimum term of imprisonment of 10 calendar years and pay a
4 fine of one hundred thousand dollars (\$100,000).

5 "c. Is 25,000 pills or more, but less than 100,000
6 pills or capsules, the person shall be sentenced to a
7 mandatory minimum term of imprisonment of 25 calendar years
8 and pay a fine of five hundred thousand dollars (\$500,000).

9 "d. Is 100,000 capsules or more, the person shall be
10 sentenced to a mandatory term of imprisonment of life without
11 parole.

12 "(5) Any person who knowingly sells, manufactures,
13 delivers or brings into this state, or who is knowingly in
14 actual or constructive possession of 500 or more pills or
15 capsules of hydromorphone as is described in Section 20-2-1,
16 et seq., is guilty of a felony which shall be known as
17 "trafficking in illegal drugs." If the quantity involved:

18 "a. Is 500 pills or capsules or more but less than
19 1,000 pills or capsules, the person shall be sentenced to a
20 mandatory term of imprisonment of three calendar years and to
21 pay a fine of fifty thousand dollars (\$50,000).

22 "b. Is 1,000 pills or capsules or more, but less
23 than 4,000 pills or capsules, the person shall be sentenced to
24 a mandatory term of imprisonment of 10 calendar years and to
25 pay a fine of one hundred thousand dollars (\$100,000).

1 "c. Is 4,000 pills or capsules or more but less than
2 10,000 pills or capsules, the person shall be sentenced to a
3 mandatory term of imprisonment of 25 calendar years and to pay
4 a fine of one hundred thousand dollars (\$100,000).

5 "d. Is more than 10,000 pills or capsules, the
6 person shall be sentenced to a mandatory term of life in
7 prison without parole.

8 "(6) Any person who knowingly sells, manufactures,
9 delivers, or brings into this state, or who is knowingly in
10 actual or constructive possession of, 28 grams or more of
11 3,4-methylenedioxy amphetamine, or of any mixture containing
12 3,4-methylenedioxy amphetamine, is guilty of a felony, which
13 felony shall be known as "trafficking in illegal drugs." If
14 the quantity involved:

15 "a. Is 28 grams or more, but less than 500 grams,
16 the person shall be sentenced to a mandatory minimum term of
17 imprisonment of three calendar years and to pay a fine of
18 fifty thousand dollars (\$50,000).

19 "b. Is 500 grams or more, but less than one kilo,
20 the person shall be sentenced to a mandatory minimum term of
21 imprisonment of five calendar years and to pay a fine of one
22 hundred thousand dollars (\$100,000).

23 "c. Is one kilo, but less than 10 kilos, then the
24 person shall be sentenced to a mandatory minimum term of

1 imprisonment of 15 calendar years and to pay a fine of two
2 hundred fifty thousand dollars (\$250,000).

3 "d. Is 10 kilos or more, the person shall be
4 sentenced to a mandatory term of imprisonment of life without
5 parole.

6 "(7) Any person who knowingly sells, manufactures,
7 delivers, or brings into this state, or who is knowingly in
8 actual or constructive possession of, 28 grams or more of
9 5-methoxy-3, 4-methylenedioxy amphetamine, or of any mixture
10 containing 5-methoxy-3, 4-methylenedioxy amphetamine is guilty
11 of a felony, which felony shall be known as "trafficking in
12 illegal drugs" if the quantity involved:

13 "a. Is 28 grams or more, but less than 500 grams,
14 the person shall be sentenced to a mandatory minimum term of
15 imprisonment of three calendar years and to pay a fine of
16 fifty thousand dollars (\$50,000).

17 "b. Is 500 grams or more, but less than one kilo,
18 the person shall be sentenced to a mandatory minimum term of
19 imprisonment of five calendar years and to pay a fine of one
20 hundred thousand dollars (\$100,000).

21 "c. Is one kilo, but less than 10 kilos, then the
22 person shall be sentenced to a mandatory minimum term of
23 imprisonment of 15 calendar years and to pay a fine of two
24 hundred fifty thousand dollars (\$250,000).

1 "d. Is 10 kilos or more, the person shall be
2 sentenced to a mandatory term of imprisonment of life without
3 parole.

4 "(8) Any person who knowingly sells, manufactures,
5 delivers, or brings into this state, or who is knowingly in
6 actual or constructive possession of, four grams or more of
7 phencyclidine, or any mixture containing phencyclidine, is
8 guilty of a felony, which felony shall be known as
9 "trafficking in illegal drugs." If the quantity involved:

10 "a. Is four grams or more, but less than 14 grams,
11 the person shall be sentenced to a mandatory minimum term of
12 imprisonment of three calendar years and to pay a fine of
13 fifty thousand dollars (\$50,000).

14 "b. Is 14 grams or more, but less than 28 grams, the
15 person shall be sentenced to a mandatory minimum term of
16 imprisonment of five calendar years and to pay a fine of one
17 hundred thousand dollars (\$100,000).

18 "c. Is 28 grams or more, but less than 56 grams,
19 then the person shall be sentenced to a mandatory minimum term
20 of imprisonment of 15 calendar years and to pay a fine of two
21 hundred fifty thousand dollars (\$250,000).

22 "d. Is 56 grams or more, the person shall be
23 sentenced to a mandatory term of imprisonment of life without
24 parole.

1 "(9) Any person who knowingly sells, manufactures,
2 delivers, or brings into this state, or who is knowingly in
3 actual or constructive possession of, four grams or more of
4 lysergic acid diethylamide, of four grams or more of any
5 mixture containing lysergic acid diethylamide, is guilty of a
6 felony, which felony shall be known as "trafficking in illegal
7 drugs." If the quantity involved:

8 "a. Is four grams or more, but less than 14 grams,
9 the person shall be sentenced to a mandatory minimum term of
10 imprisonment of three calendar years and to pay a fine of
11 fifty thousand dollars (\$50,000).

12 "b. Is 14 grams or more, but less than 28 grams, the
13 person shall be sentenced to a mandatory minimum term of
14 imprisonment of 10 calendar years and to pay a fine of one
15 hundred thousand dollars (\$100,000).

16 "c. Is 28 grams or more, but less than 56 grams, the
17 person shall be sentenced to a mandatory minimum term of
18 imprisonment of 25 calendar years and to pay a fine of five
19 hundred thousand dollars (\$500,000).

20 "d. Is 56 grams or more, the person shall be
21 sentenced to a mandatory term of imprisonment of life without
22 parole.

23 "(10) Any person who knowingly sells, manufactures,
24 delivers or brings into this state, or who is knowingly in
25 actual or constructive possession of, 28 grams or more of

1 amphetamine or any mixture containing amphetamine, its salt,
2 optical isomer, or salt of its optical isomer thereof, is
3 guilty of a felony, which felony shall be known as
4 "trafficking in amphetamine." If the quantity involved:

5 "a. Is 28 grams or more but less than 500 grams, the
6 person shall be sentenced to a mandatory minimum term of
7 imprisonment of three calendar years and to pay a fine of
8 fifty thousand dollars (\$50,000).

9 "b. Is 500 grams or more, but less than one kilo,
10 the person shall be sentenced to a mandatory minimum term of
11 imprisonment of five calendar years and to pay a fine of one
12 hundred thousand dollars (\$100,000).

13 "c. Is one kilo but less than 10 kilos, then the
14 person shall be sentenced to a mandatory minimum term of
15 imprisonment of 15 calendar years and to pay a fine of two
16 hundred fifty thousand dollars (\$250,000).

17 "d. Is 10 kilos or more, the person shall be
18 sentenced to a mandatory term of imprisonment of life without
19 parole.

20 "(11) Any person who knowingly sells, manufactures,
21 delivers, or brings into this state, or who is knowingly in
22 actual or constructive possession of, 28 grams or more of
23 methamphetamine or any mixture containing methamphetamine, its
24 salts, optical isomers, or salt of its optical isomers

1 thereof, is guilty of a felony, which felony shall be known as
2 "trafficking in methamphetamine." If the quantity involved:

3 "a. Is 28 grams or more but less than 500 grams, the
4 person shall be sentenced to a mandatory minimum term of
5 imprisonment of three calendar years and to pay a fine of
6 fifty thousand dollars (\$50,000).

7 "b. Is 500 grams or more, but less than one kilo,
8 the person shall be sentenced to a mandatory minimum term of
9 imprisonment of five calendar years and to pay a fine of one
10 hundred thousand dollars (\$100,000).

11 "c. Is one kilo but less than 10 kilos, then the
12 person shall be sentenced to a mandatory minimum term of
13 imprisonment of 15 calendar years and to pay a fine of two
14 hundred fifty thousand dollars (\$250,000).

15 "d. Is 10 kilos or more, the person shall be
16 sentenced to a mandatory term of imprisonment of life without
17 parole.

18 "(12) Any person who knowingly sells, manufactures,
19 delivers, or brings into this state, or who is knowingly in
20 actual or constructive possession of 28 or more grams of a
21 controlled substance analog, as described in Section 20-2-23,
22 is guilty of a felony, which felony shall be known as
23 "trafficking in controlled substance analogs." If the quantity
24 involved:

1 "a. Is 28 grams or more, but less than 500 grams,
2 the person shall be sentenced to a mandatory minimum term of
3 imprisonment of three calendar years and to pay a fine of
4 fifty thousand dollars (\$50,000).

5 "b. Is 500 grams or more, but less than 1 kilo, the
6 person shall be sentenced to a mandatory minimum term of
7 imprisonment of 10 calendar years and to pay a fine of one
8 hundred thousand dollars (\$100,000).

9 "c. Is one kilo, but less than 10 kilos, then the
10 person shall be sentenced to a mandatory minimum term of
11 imprisonment of 15 calendar years and to pay a fine of two
12 hundred fifty thousand dollars (\$250,000).

13 "c. Is 10 kilos or more, the person shall be
14 sentenced to a mandatory term of imprisonment of life without
15 parole.

16 "(13) The felonies of "trafficking in cannabis,"
17 "trafficking in cocaine," "trafficking in illegal drugs,"
18 "trafficking in amphetamine," "trafficking in
19 methamphetamine," and "trafficking in controlled substance
20 analogs" as defined in subdivisions (1) through (12), above,
21 shall be treated as Class A felonies for purposes of Title
22 13A, including sentencing under Section 13A-5-9. Provided,
23 however, that the sentence of imprisonment for a defendant
24 with one or more prior felony convictions who violates
25 subdivisions (1) through (12) of this section shall be the

1 sentence provided therein, or the sentence provided under
2 Section 13A-5-9, whichever is greater. Provided further, that
3 the fine for a defendant with one or more prior felony
4 convictions who violates subdivisions (1) through (12) of this
5 section shall be the fine provided therein, or the fine
6 provided under Section 13A-5-9, whichever is greater.

7 "(14) Notwithstanding any provision of law to the
8 contrary, any person who has possession of a firearm during
9 the commission of any act proscribed by this section shall be
10 punished by a term of imprisonment of five calendar years
11 which shall be in addition to, and not in lieu of, the
12 punishment otherwise provided, and a fine of twenty-five
13 thousand dollars (\$25,000); the court shall not suspend the
14 five-year additional sentence of the person or give the person
15 a probationary sentence."

16 Section 3. Although this bill would have as its
17 purpose or effect the requirement of a new or increased
18 expenditure of local funds, the bill is excluded from further
19 requirements and application under Amendment 621, now
20 appearing as Section 111.05 of the Official Recompilation of
21 the Constitution of Alabama of 1901, as amended, because the
22 bill defines a new crime or amends the definition of an
23 existing crime.

1 Section 4. This act shall become effective 10 days
2 following its passage and approval by the Governor, or its
3 otherwise becoming law.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21

President and Presiding Officer of the Senate

Speaker of the House of Representatives

SB208

Senate 23-FEB-12

I hereby certify that the within Act originated in and passed the Senate, as amended.

Patrick Harris
Secretary

House of Representatives

Passed: 26-APR-12

By: Senator Orr