

1 HB380
2 157419-1
3 By Representative McMillan
4 RFD: Judiciary
5 First Read: 30-JAN-14

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8 SYNOPSIS: Under existing law, in addition to any
9 disposition and fine, a person convicted of certain
10 drug-related offenses is required to pay a penalty
11 fixed at \$1,000 for a first offense and \$2,000 for
12 a second or subsequent offense.

13 Also under existing law, a person convicted
14 of or found delinquent regarding certain
15 drug-related offenses is required to have his or
16 her driver's license suspended.

17 This bill would include additional
18 drug-related offenses to these provisions.

19 Amendment 621 of the Constitution of Alabama
20 of 1901, now appearing as Section 111.05 of the
21 Official Recompilation of the Constitution of
22 Alabama of 1901, as amended, prohibits a general
23 law whose purpose or effect would be to require a
24 new or increased expenditure of local funds from
25 becoming effective with regard to a local
26 governmental entity without enactment by a 2/3 vote
27 unless: it comes within one of a number of

1 specified exceptions; it is approved by the
2 affected entity; or the Legislature appropriates
3 funds, or provides a local source of revenue, to
4 the entity for the purpose.

5 The purpose or effect of this bill would be
6 to require a new or increased expenditure of local
7 funds within the meaning of the amendment. However,
8 the bill does not require approval of a local
9 governmental entity or enactment by a 2/3 vote to
10 become effective because it comes within one of the
11 specified exceptions contained in the amendment.

12
13 A BILL
14 TO BE ENTITLED
15 AN ACT
16

17 To amend Section 13A-12-281, Code of Alabama 1975,
18 relating to additional penalties for certain drug-related
19 offenses, to include certain drug-related offenses; to amend
20 Section 13A-12-291, Code of Alabama 1975, relating to the
21 suspension of driver's licenses for convictions related to
22 certain drug-related offenses, to include certain drug-related
23 offenses; and in connection therewith would have as its
24 purpose or effect the requirement of a new or increased
25 expenditure of local funds within the meaning of Amendment 621
26 of the Constitution of Alabama of 1901, now appearing as

1 Section 111.05 of the Official ReCompilation of the
2 Constitution of Alabama of 1901, as amended.

3 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

4 Section 1. Sections 13A-12-281 and 13A-12-291, Code
5 of Alabama 1975, are amended to read as follows:

6 "§13A-12-281.

7 "(a) In addition to any disposition and fine
8 authorized by Sections 13A-12-202, 13A-12-203, 13A-12-204,
9 13A-12-211, 13A-12-212, 13A-12-213, 13A-12-214.1, for felony
10 convictions only, 13A-12-215, or 13A-12-217, 13A-12-218,
11 13A-12-219, 13A-12-231, or 13A-12-260(d), for felony
12 convictions only, or any other statute indicating the
13 dispositions that can be ordered for such a conviction, every
14 person convicted of a violation of any offense defined in the
15 sections set forth above, shall be assessed for each offense
16 an additional penalty fixed at one thousand dollars (\$1,000)
17 for a first offense and two thousand dollars (\$2,000) for a
18 second or subsequent offense.

19 "(b) All penalties provided for in this division
20 shall be in addition to and not in lieu of any fine authorized
21 by law or required to be imposed pursuant to the provisions of
22 the controlled substance statutes set forth in subsection (a)
23 of this section, and nothing in this division shall be deemed
24 to affect or suspend any other criminal sanctions imposed
25 pursuant to these controlled substance statutes.

26 "§13A-12-291.

1 "A driver's license shall be suspended pursuant to
2 Section 13A-12-290 for conviction of, adjudication of, or a
3 finding of delinquency based on, the following crimes:

4 "(1) Criminal solicitation to commit a controlled
5 substance crime under Section 13A-12-202.

6 "(2) Attempt to commit a controlled substance crime
7 under Section 13A-12-203.

8 "(3) Criminal conspiracy to commit a controlled
9 substance crime under Section 13A-12-204.

10 "(4) Unlawful distribution of controlled substances
11 under Section 13A-12-211.

12 "(5) Unlawful possession or receipt of controlled
13 substances under Section 13A-12-212.

14 "(6) Unlawful possession of ~~marihuana~~ marijuana in
15 the first degree under Section 13A-12-213.

16 "(7) Unlawful possession of ~~marihuana~~ marijuana in
17 the second degree under Section 13A-12-214.

18 "(8) Unlawful possession of certain chemical
19 compounds under Section 13A-12-214.1, for felony convictions
20 only.

21 "~~(8)~~ (9) Sale or furnishing of controlled substances
22 by persons over age 18 to persons under age 18 under Section
23 13A-12-215.

24 "(10) Unlawful manufacture of controlled substance
25 in the second degree under 13A-12-217.

26 "(11) Unlawful manufacture of controlled substance
27 in the first degree under 13A-12-218.

1 "(12) Unlawful possession of anhydrous ammonia under
2 13A-12-219.

3 "~~(9)~~(13) Trafficking in specified substances under
4 Section 13A-12-231.

5 "(14) Unlawful use, possession, delivery, or sale of
6 drug paraphernalia under Section 13A-12-260(d), for felony
7 convictions only.

8 "~~(10)~~(15) Driving under the influence of a
9 controlled substance, or under the combined influence of a
10 controlled substance and alcohol under Sections
11 32-5A-191(a) (3) and 32-5A-191(a) (4)."

12 Section 2. This act shall become effective on the
13 first day of the third month following its passage and
14 approval by the Governor, or its otherwise becoming law.