

1 HB257
2 164136-2
3 By Representative Todd
4 RFD: Judiciary
5 First Read: 18-FEB-16

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8 SYNOPSIS: Under existing law, a person who possess
9 marijuana for other than personal use or who
10 possesses marijuana for personal use and has
11 previously been convicted of unlawful possession of
12 marijuana in the second degree is guilty of a Class
13 C felony.

14 Under existing law, a person who possesses
15 marijuana for his or her personal use is guilty of
16 a Class A misdemeanor, punishable by imprisonment
17 for not more than one year, a fine of not more than
18 six thousand dollars, or a combination of
19 imprisonment and a fine.

20 This bill would define unlawful possession
21 of marijuana in the first degree as possession of
22 over one ounce of marijuana and unlawful possession
23 of marijuana in the second degree as possession of
24 one ounce of marijuana or less.

25 This bill would make the first offense of
26 unlawful possession of marijuana in the second
27 degree a violation, punishable by a fine only.

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2 A BILL
3 TO BE ENTITLED
4 AN ACT
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6 To amend Sections 13A-12-213 and 13A-12-214, Code of
7 Alabama 1975, relating to possession of marijuana; to provide
8 for the definition of unlawful possession of marijuana in the
9 first and second degree; and to provide that a first offense
10 for unlawful possession of marijuana in the second degree
11 would be a violation.

12 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

13 Section 1. Sections 13A-12-213 and 13A-12-214, Code
14 of Alabama 1975, are amended to read as follows:

15 "§13A-12-213.

16 "(a) A person commits the crime of unlawful
17 possession of ~~marihuana~~ marijuana in the first degree if,
18 except as otherwise authorized:

19 "(1) He or she possesses ~~marihuana for other than~~
20 ~~personal use~~ more than one ounce of marijuana; or

21 "(2) He or she possesses ~~marihuana for his personal~~
22 ~~use only~~ one ounce or less of marijuana after having been
23 previously convicted of unlawful possession of ~~marihuana~~
24 marijuana in the second degree ~~or unlawful possession of~~
25 ~~marihuana for his personal use only~~.

26 "(b) Unlawful possession of ~~marihuana~~ marijuana in
27 the first degree is a Class C felony.

1 "§13A-12-214.

2 "(a) A person commits the crime of unlawful
3 possession of ~~marihuana~~ marijuana in the second degree if,
4 except as otherwise authorized, he or she possesses ~~marihuana~~
5 ~~for his personal use only~~ one ounce or less of marijuana.

6 "(b) Unlawful possession of ~~marihuana~~ marijuana in
7 the second degree is a ~~Class A misdemeanor~~ violation
8 punishable on the first offense by a fine of two hundred fifty
9 dollars (\$250) and on any second or subsequent offense by a
10 fine of five hundred dollars (\$500).

11 "(c) A conviction under this section shall not
12 appear on a person's criminal record."

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