

1 HB232
2 189737-1
3 By Representative England
4 RFD: Judiciary
5 First Read: 16-JAN-18

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8 SYNOPSIS: Under existing law, a person commits the
9 crime of unlawful distribution of a controlled
10 substance if the person unlawfully sells,
11 furnishes, gives away, delivers, or distributes a
12 scheduled controlled substance.

13 This bill would provide further for the
14 crime of unlawful distribution of a controlled
15 substance by providing that if the person
16 unlawfully prescribes or dispenses a scheduled
17 controlled substance, the person is guilty of the
18 crime.

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 Relating to crimes and offenses; to amend Section
18 13A-12-211, Code of Alabama 1975, to provide further for the
19 crime of unlawful distribution of a controlled substance to
20 include the unlawful prescription and dispensation of certain
21 controlled substances; and in connection therewith would have
22 as its purpose or effect the requirement of a new or increased
23 expenditure of local funds within the meaning of Amendment 621
24 of the Constitution of Alabama of 1901, now appearing as
25 Section 111.05 of the Official Recompilation of the
26 Constitution of Alabama of 1901, as amended.
27 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

1 Section 1. Section 13A-12-211, Code of Alabama 1975,
2 is amended to read as follows:

3 "§13A-12-211.

4 "(a) A person commits the crime of unlawful
5 distribution of controlled substances if, except as otherwise
6 authorized, he or she sells, furnishes, gives away, delivers,
7 dispenses, prescribes, or distributes a controlled substance
8 enumerated in Schedules I through V.

9 "(b) Unlawful distribution of controlled substances
10 is a Class B felony.

11 "(c) A person commits the crime of unlawful
12 possession with intent to distribute a controlled substance
13 if, except as otherwise authorized by law, he or she knowingly
14 possesses any of the following quantities of a controlled
15 substance:

16 "(1) More than eight grams, but less than 28 grams,
17 of cocaine or of any mixture containing cocaine.

18 "(2) More than two grams, but less than four grams,
19 of any morphine, opium, or any salt, isomer, or salt of an
20 isomer thereof, including heroin.

21 "(3) More than eight grams, but less than 28 grams,
22 of 3,4-methylenedioxy amphetamine, or of any mixture
23 containing 3,4-methylenedioxy amphetamine.

24 "(4) More than eight grams, but less than 28 grams,
25 of 5-methoxy-3, 4-methylenedioxy amphetamine, or of any
26 mixture containing 5-methoxy-3, 4-methylenedioxy amphetamine.

1 "(5) More than eight grams, but less than 28 grams,
2 of amphetamine or any mixture containing amphetamine, its
3 salt, optical isomer, or salt of its optical isomer thereof.

4 "(6) More than eight grams, but less than 28 grams,
5 of methamphetamine or any mixture containing methamphetamine,
6 its salts, optical isomers, or salt of its optical isomers
7 thereof.

8 "(d) Unlawful possession with intent to distribute a
9 controlled substance is a Class B felony."

10 Section 2. Although this bill would have as its
11 purpose or effect the requirement of a new or increased
12 expenditure of local funds, the bill is excluded from further
13 requirements and application under Amendment 621, now
14 appearing as Section 111.05 of the Official Recompilation of
15 the Constitution of Alabama of 1901, as amended, because the
16 bill defines a new crime or amends the definition of an
17 existing crime.

18 Section 3. This act shall become effective on the
19 first day of the third month following its passage and
20 approval by the Governor, or its otherwise becoming law.