

# HB1 ENROLLED



1 BYAXQJ-3  
2 By Representatives Simpson, Brown, Marques, Stringer,  
3 Stadthagen, Sorrells, Collins, Ledbetter, Pringle,  
4 Easterbrook, Pettus, Kiel, Colvin, Estes, Woods  
5 RFD: Judiciary  
6 First Read: 07-Mar-23  
7 PFD: 20-Jan-23



## HB1 Enrolled

1 Enrolled, An Act,

2  
3 Relating to controlled substances; to amend Section  
4 13A-12-231, Code of Alabama 1975; to add mandatory minimums  
5 for certain felony drug trafficking crimes; to provide for  
6 additional penalties for subsequent offenses; and in  
7 connection therewith would have as its purpose or effect the  
8 requirement of a new or increased expenditure of local funds  
9 within the meaning of Section 111.05 of the Constitution of  
10 Alabama of 2022.

11 Section 1. Section 13A-12-231, Code of Alabama 1975, is  
12 amended to read as follows:

13 "§13A-12-231

14 Except as authorized in Chapter 2, Title 20:

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



## HB1 Enrolled

29 synthetic or naturally produced samples of  
30 tetrahydrocannabinols which contain more than 15 percent by  
31 weight of tetrahydrocannabinols and which do not contain plant  
32 material exhibiting the external morphological features of the  
33 plant cannabis. If the quantity of cannabis involved:

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

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

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

46 d. Is 1,000 pounds or more, the person shall be  
47 sentenced to a mandatory term of imprisonment of life.

48 (2) Any person who knowingly sells, manufactures,  
49 delivers, or brings into this state, or who is knowingly in  
50 actual or constructive possession of, 28 grams or more of  
51 cocaine or of any mixture containing cocaine, described in  
52 Section 20-2-25(1), is guilty of a felony, which ~~felony~~ shall  
53 be known as "trafficking in cocaine." If the quantity  
54 involved:

55 a. Is 28 grams or more, but less than 500 grams, the  
56 person shall be sentenced to a mandatory minimum term of



## HB1 Enrolled

57 imprisonment of three calendar years and to pay a fine of  
58 fifty thousand dollars (\$50,000).

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

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

67 d. Is 10 kilos or more, the person shall be sentenced  
68 to a mandatory term of imprisonment of life.

69 (3) Any person, except as otherwise authorized by law,  
70 who knowingly sells, manufactures, delivers, or brings into  
71 this state, or who is knowingly in actual or constructive  
72 possession of, four grams or more of any morphine, opium, or  
73 any salt, isomer, or salt of an isomer thereof, including  
74 heroin, as described in Section 20-2-23(b)(2) or Section  
75 20-2-25(1)a., or four grams or more of any mixture containing  
76 any such substance, or any mixture containing Fentanyl or any  
77 synthetic controlled substance Fentanyl analogue, as described  
78 in Sections 20-2-23 and 20-2-25, is guilty of a felony, which  
79 ~~felony~~ shall be known as "trafficking in illegal drugs." If  
80 the quantity involved:

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



## HB1 Enrolled

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

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

93           d. Is 56 grams or more, the person shall be sentenced  
94 to a mandatory term of imprisonment of life.

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

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

105           b. Is 5,000 capsules or more, but less than 25,000  
106 capsules, ~~that~~-the person shall be imprisoned to a mandatory  
107 minimum term of imprisonment of 10 calendar years and pay a  
108 fine of one hundred thousand dollars (\$100,000).

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



## HB1 Enrolled

113           d. Is 100,000 capsules or more, the person shall be  
114 sentenced to a mandatory term of imprisonment of life.

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

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

125           b. Is 1,000 pills or capsules or more, but less than  
126 4,000 pills or capsules, the person shall be sentenced to a  
127 mandatory term of imprisonment of 10 calendar years and to pay  
128 a fine of one hundred thousand dollars (\$100,000).

129           c. Is 4,000 pills or capsules or more but less than  
130 10,000 pills or capsules, the person shall be sentenced to a  
131 mandatory term of imprisonment of 25 calendar years and to pay  
132 a fine of one hundred thousand dollars (\$100,000).

133           d. Is more than 10,000 pills or capsules, the person  
134 shall be sentenced to a mandatory term of life.

135           (6) Any person who knowingly sells, manufactures,  
136 delivers, or brings into this state, or who is knowingly in  
137 actual or constructive possession of, 28 grams or more of  
138 3,4-methylenedioxy amphetamine, or of any mixture containing  
139 3,4-methylenedioxy amphetamine, is guilty of a felony, which  
140 ~~felony~~ shall be known as "trafficking in illegal drugs." If



## HB1 Enrolled

141 the quantity involved:

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

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

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

154 d. Is 10 kilos or more, the person shall be sentenced  
155 to a mandatory term of imprisonment of life.

156 (7) Any person who knowingly sells, manufactures,  
157 delivers, or brings into this state, or who is knowingly in  
158 actual or constructive possession of, 28 grams or more of  
159 5-methoxy-3, 4-methylenedioxy amphetamine, or of any mixture  
160 containing 5-methoxy-3, 4-methylenedioxy amphetamine, is  
161 guilty of a felony, which ~~felony~~ shall be known as  
162 "trafficking in illegal drugs." ~~if~~ If the quantity involved:

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

167 b. Is 500 grams or more, but less than one kilo, the  
168 person shall be sentenced to a mandatory minimum term of



## HB1 Enrolled

169 imprisonment of five calendar years and to pay a fine of one  
170 hundred thousand dollars (\$100,000).

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

175 d. Is 10 kilos or more, the person shall be sentenced  
176 to a mandatory term of imprisonment of life.

177 (8) Any person who knowingly sells, manufactures,  
178 delivers, or brings into this state, or who is knowingly in  
179 actual or constructive possession of, four grams or more of  
180 phencyclidine, or any mixture containing phencyclidine, is  
181 guilty of a felony, which ~~felony~~ shall be known as  
182 "trafficking in illegal drugs." If the quantity involved:

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

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

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

195 d. Is 56 grams or more, the person shall be sentenced  
196 to a mandatory term of imprisonment of life.





## HB1 Enrolled

197 (9) Any person who knowingly sells, manufactures,  
198 delivers, or brings into this state, or who is knowingly in  
199 actual or constructive possession of, four grams or more of  
200 lysergic acid diethylamide, ~~or~~ or four grams or more of any  
201 mixture containing lysergic acid diethylamide, is guilty of a  
202 felony, which ~~felony~~ shall be known as "trafficking in illegal  
203 drugs." If the quantity involved:

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

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

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

216 d. Is 56 grams or more, the person shall be sentenced  
217 to a mandatory term of imprisonment of life.

218 (10) Any person who knowingly sells, manufactures,  
219 delivers, or brings into this state, or who is knowingly in  
220 actual or constructive possession of, 28 grams or more of  
221 amphetamine or any mixture containing amphetamine, its salt,  
222 optical isomer, or salt of its optical isomer thereof, is  
223 guilty of a felony, which ~~felony~~ shall be known as  
224 "trafficking in amphetamine." If the quantity involved:



## HB1 Enrolled

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

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

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

237           d. Is 10 kilos or more, the person shall be sentenced  
238 to a mandatory term of imprisonment of life.

239           (11) Any person who knowingly sells, manufactures,  
240 delivers, or brings into this state, or who is knowingly in  
241 actual or constructive possession of, 28 grams or more of  
242 methamphetamine or any mixture containing methamphetamine, its  
243 salts, optical isomers, or salt of its optical isomers  
244 thereof, is guilty of a felony, which ~~felony~~ shall be known as  
245 "trafficking in methamphetamine." If the quantity involved:

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

250           b. Is 500 grams or more, but less than one kilo, the  
251 person shall be sentenced to a mandatory minimum term of  
252 imprisonment of five calendar years and to pay a fine of one



## HB1 Enrolled

253 hundred thousand dollars (\$100,000).

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

258 d. Is 10 kilos or more, the person shall be sentenced  
259 to a mandatory term of imprisonment of life.

260 (12) Any person who knowingly sells, manufactures,  
261 delivers, or brings into this state, or who is knowingly in  
262 actual or constructive possession of 56 or more grams of a  
263 synthetic controlled substance or a synthetic controlled  
264 substance analogue, as described in ~~subdivision (4) or (5) of~~  
265 ~~subsection (a) of~~ Section 20-2-23 (a) (4) or (5), except for any  
266 synthetic controlled substance Fentanyl analogue referenced in  
267 subdivision (13), is guilty of a felony, which ~~felony~~ shall be  
268 known as "trafficking in synthetic controlled substances." If  
269 the quantity involved:

270 a. Is 56 grams or more, but less than 500 grams, the  
271 person shall be sentenced to a mandatory minimum term of  
272 imprisonment of three calendar years and to pay a fine of  
273 fifty thousand dollars (\$50,000).

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

278 c. Is one kilo, but less than 10 kilos, ~~then~~ the person  
279 shall be sentenced to a mandatory minimum term of imprisonment  
280 of 15 calendar years and to pay a fine of two hundred fifty



## HB1 Enrolled

281 thousand dollars (\$250,000).

282 d. Is 10 kilos or more, the person shall be sentenced  
283 to a mandatory term of imprisonment of life.

284 (13) Any person, unless otherwise authorized by law,  
285 who knowingly sells, manufactures, delivers, or brings into  
286 this state, or who is knowingly in actual or constructive  
287 possession of, one gram or more of Fentanyl or any synthetic  
288 controlled substance Fentanyl analogue, as a single component  
289 as described in Sections 20-2-23 and 20-2-25, is guilty of a  
290 felony, which ~~felony~~ shall be known as "trafficking in illegal  
291 drugs." If the quantity involved:

292 a.1. Is one gram or more, but less than two grams, the  
293 person shall be ~~ordered~~ sentenced to a mandatory minimum term  
294 of imprisonment of three calendar years and to pay a minimum  
295 fine of fifty thousand dollars (\$50,000).

296 ~~b.~~2. Is two grams or more, but less than four grams,  
297 the person shall be ~~ordered~~ sentenced to a mandatory minimum  
298 term of imprisonment of 10 calendar years and to pay a minimum  
299 fine of one hundred thousand dollars (\$100,000).

300 ~~e.~~3. Is four grams or more, but less than eight grams,  
301 the person shall be ~~ordered~~ sentenced to a mandatory minimum  
302 term of imprisonment of 25 calendar years and to pay a minimum  
303 fine of five hundred thousand dollars (\$500,000).

304 ~~d.~~4. Is eight grams or more, the person shall be  
305 ~~ordered~~ sentenced to a mandatory term of imprisonment of life  
306 and to pay a minimum fine of seven hundred fifty thousand  
307 dollars (\$750,000).

308 b.1. Notwithstanding any provision of law, in addition



## HB1 Enrolled

309 to any penalties provided by law, upon a second conviction of  
310 this subdivision, the person shall be sentenced to an  
311 additional term of imprisonment of five calendar years, which  
312 is not subject to suspension or probation.

313 2. Upon a third or subsequent conviction of this  
314 subdivision, in addition to any penalties provided by law, the  
315 person shall be sentenced to an additional term of  
316 imprisonment of 10 calendar years, which is not subject to  
317 suspension or probation.

318 (14) In lieu of the weight ranges listed in subdivision  
319 (12), a person may instead be charged with trafficking any  
320 substance listed in subdivisions (3) and (12) if that person  
321 possesses 50 or more individual packages of that substance.  
322 The person shall only be sentenced according to the sentence  
323 range provision listed in paragraph a. of each subdivision for  
324 the specific substance contained in the 50 or more individual  
325 packages if charged pursuant to this subdivision, subdivision  
326 (15), or subdivision (16), if applicable. In order to charge a  
327 person pursuant to this subdivision, the same substance must  
328 be contained in each of the 50 or more individual packages.

329 (15) The felonies of "trafficking in cannabis,"  
330 "trafficking in cocaine," "trafficking in illegal drugs,"  
331 "trafficking in amphetamine," "trafficking in  
332 methamphetamine," and "trafficking in synthetic controlled  
333 substances" as defined in subdivisions (1) through (14) ~~↑~~  
334 ~~above,~~ shall be treated as Class A felonies for purposes of  
335 this title, including sentencing under Section 13A-5-9.  
336 Provided, however, that the sentence of imprisonment for a



## HB1 Enrolled

337 defendant with one or more prior felony convictions who  
338 violates subdivisions (1) through (14) ~~of this section~~ shall  
339 be the sentence provided therein, or the sentence provided  
340 under Section 13A-5-9, whichever is greater. Provided further,  
341 that the fine for a defendant with one or more prior felony  
342 convictions who violates subdivisions (1) through (14) ~~of this~~  
343 ~~section~~ shall be the fine provided therein, or the fine  
344 provided under Section 13A-5-9, whichever is greater.

345 (16) Notwithstanding any provision of law to the  
346 contrary, any person who has possession of a firearm during  
347 the commission of any act proscribed by this section shall be  
348 punished by a term of imprisonment of five calendar years,  
349 which shall be in addition to, and not in lieu of, the  
350 punishment otherwise provided, and a fine of twenty-five  
351 thousand dollars (\$25,000) ~~;~~ the. The court shall not suspend  
352 the five-year additional sentence of the person or give the  
353 person a probationary sentence."

354 Section 2. Although this bill would have as its purpose  
355 or effect the requirement of a new or increased expenditure of  
356 local funds, the bill is excluded from further requirements  
357 and application under Section 111.05 of the Constitution of  
358 Alabama of 2022, because the bill defines a new crime or  
359 amends the definition of an existing crime.

360 Section 3. This act shall take effect on the first day  
361 of the third month, following its passage and approval by the  
362 Governor, or its otherwise becoming law.



# HB1 Enrolled

363  
364  
365  
366  
367  
368  
369  
370  
371  
372  
373  
374  
375  
376  
377  
378  
379  
380  
381  
382  
383  
384  
385  
386  
387  
388  
389  
390  
391  
392  
393  
394  
395

---

Speaker of the House of Representatives

---

President and Presiding Officer of the Senate

House of Representatives

I hereby certify that the within Act originated in and was passed by the House 23-Mar-23.

John Treadwell  
Clerk

---

Senate \_\_\_\_\_ 06-Apr-23 \_\_\_\_\_

Passed