

SB188 INTRODUCED



1 SB188
2 AREL8QQ-1
3 By Senator Weaver
4 RFD: Judiciary
5 First Read: 20-Feb-25



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SYNOPSIS:

Under existing law, a person commits the crime of unlawful possession with intent to distribute a controlled substance if he or she knowingly possesses more than two grams, but less than four grams, of any mixture containing Fentanyl, any synthetic controlled substance Fentanyl, or any synthetic controlled substance Fentanyl analogue.

This bill would provide that a person commits the crime of unlawful possession with intent to distribute a controlled substance if he or she knowingly possesses more than one-half gram, but less than one gram, of any mixture of Fentanyl and any synthetic controlled substance Fentanyl analogue, or any mixture of Fentanyl or any synthetic controlled substance Fentanyl analogue and the immediate Fentanyl precursor, 4-anilino-N-phenethyl-4-piperidine (ANPP).

Under existing law, a person commits the crime of trafficking in illegal drugs if he or she is knowingly in actual or constructive possession of one gram or more of Fentanyl or any synthetic controlled substance Fentanyl analogue as a single component.

This bill would provide that a person commits the crime of trafficking in illegal drugs if he or she is knowingly in actual or constructive possession of



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29 any mixture of Fentanyl and any synthetic controlled
30 substance Fentanyl analogue, or any mixture of Fentanyl
31 or any synthetic controlled substance Fentanyl analogue
32 and the immediate Fentanyl precursor,
33 4-anilino-N-phenethyl-4-piperidine (ANPP).

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A BILL

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TO BE ENTITLED

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AN ACT

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Relating to crimes and offenses; to amend Sections

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13A-12-211 and 13A-12-231, Code of Alabama 1975; to further

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provide for the crime of unlawful possession with intent to

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distribute a controlled substance; and to further provide for

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the crime of trafficking in illegal drugs.

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BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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Section 1. Sections 13A-12-211 and 13A-12-231, Code of

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Alabama 1975, are amended to read as follows:

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"§13A-12-211

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(a) A person commits the crime of unlawful distribution

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of controlled substances if, except as otherwise authorized,

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he or she sells, furnishes, gives away, delivers, or

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distributes a controlled substance enumerated in Schedules I

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through V.

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(b) Unlawful distribution of controlled substances is a

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Class B felony.

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(c) A person commits the crime of unlawful possession



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57 with intent to distribute a controlled substance if, except as
58 otherwise authorized by law, he or she knowingly possesses any
59 of the following quantities of a controlled substance:

60 (1) More than eight grams, but less than 28 grams, of
61 cocaine or of any mixture containing cocaine.

62 (2) More than two grams, but less than four grams, of
63 any mixture of morphine, opium, or any salt, isomer, or salt
64 of an isomer thereof, including heroin ~~or any mixture~~
65 ~~containing Fentanyl or any synthetic controlled substance~~
66 ~~Fentanyl or any synthetic controlled substance Fentanyl~~
67 ~~analogue~~, as described in Sections 20-2-23 and 20-2-25.

68 (3) More than eight grams, but less than 28 grams, of
69 3,4-methylenedioxy amphetamine, or of any mixture containing
70 3,4-methylenedioxy amphetamine.

71 (4) More than eight grams, but less than 28 grams, of
72 5-methoxy-3, 4-methylenedioxy amphetamine, or of any mixture
73 containing 5-methoxy-3, 4-methylenedioxy amphetamine.

74 (5) More than eight grams, but less than 28 grams, of
75 amphetamine or any mixture containing amphetamine, its salt,
76 optical isomer, or salt of its optical isomer thereof.

77 (6) More than eight grams, but less than 28 grams, of
78 methamphetamine or any mixture containing methamphetamine, its
79 salts, optical isomers, or salt of its optical isomers
80 thereof.

81 (7) More than one-half gram, but less than one gram, of
82 any of the following:

83 a. Fentanyl or any synthetic controlled substance
84 Fentanyl analogue, as described in Sections 20-2-23 or



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85 20-2-25, as a single component.

86 b. Any mixture of Fentanyl and any synthetic controlled
87 substance Fentanyl analogue.

88 c. Any mixture of Fentanyl or any synthetic controlled
89 substance Fentanyl analaogue and the immediate Fentanyl
90 precursor, 4-anilino-N-phenethyl-4-piperidine (ANPP).

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

93 "§13A-12-231

94 Except as authorized in Chapter 2, Title 20:

95 (1) Any person who knowingly sells, manufactures,
96 delivers, or brings into this state, or who is knowingly in
97 actual or constructive possession of, in excess of one kilo or
98 2.2 pounds of any part of the plant of the genus Cannabis,
99 whether growing or not, the seeds thereof, the resin extracted
100 from any part of the plant, and every compound, manufacture,
101 salt, derivative, mixture, or preparation of the plant, its
102 seeds, or resin including the completely defoliated mature
103 stalks of the plant, fiber produced from the stalks, oil, or
104 cake, or the completely sterilized samples of seeds of the
105 plant which are incapable of germination is guilty of a
106 felony, which shall be known as "trafficking in cannabis."
107 Nothing in this subdivision shall apply to samples of
108 tetrahydrocannabinols including, but not limited to, all
109 synthetic or naturally produced samples of
110 tetrahydrocannabinols which contain more than 15 percent by
111 weight of tetrahydrocannabinols and which do not contain plant
112 material exhibiting the external morphological features of the



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113 plant cannabis. If the quantity of cannabis involved:

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

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

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

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

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

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

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



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

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

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

148 (3) Any person, except as otherwise authorized by law,
149 who knowingly sells, manufactures, delivers, or brings into
150 this state, or who is knowingly in actual or constructive
151 possession of, four grams or more of any morphine, opium, or
152 any salt, isomer, or salt of an isomer thereof, including
153 heroin, as described in Section 20-2-23(b)(2) or Section
154 20-2-25(1)a., or four grams or more of any mixture containing
155 any such substance, or any mixture containing Fentanyl or any
156 synthetic controlled substance Fentanyl analogue, as described
157 in Sections 20-2-23 and 20-2-25, is guilty of a felony, which
158 shall be known as "trafficking in illegal drugs." If the
159 quantity involved:

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

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

168 c. Is 28 grams or more, but less than 56 grams, the



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169 person shall be sentenced to a mandatory minimum term of
170 imprisonment of 25 calendar years and to pay a fine of five
171 hundred thousand dollars (\$500,000).

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

174 (4) Any person who knowingly sells, manufactures,
175 delivers, or brings into this state, or who is knowingly in
176 actual or constructive possession of 1,000 or more pills or
177 capsules of methaqualone, as described in Section 20-2-1, et
178 seq., is guilty of a felony, which shall be known as

179 "trafficking in illegal drugs." If the quantity involved:

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

184 b. Is 5,000 capsules or more, but less than 25,000
185 capsules, the person shall be imprisoned to a mandatory
186 minimum term of imprisonment of 10 calendar years and pay a
187 fine of one hundred thousand dollars (\$100,000).

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

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

194 (5) Any person who knowingly sells, manufactures,
195 delivers, or brings into this state, or who is knowingly in
196 actual or constructive possession of 500 or more pills or



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197 capsules of hydromorphone, as is described in Section 20-2-1,
198 et seq., is guilty of a felony, which shall be known as
199 "trafficking in illegal drugs." If the quantity involved:

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

204 b. Is 1,000 pills or capsules or more, but less than
205 4,000 pills or capsules, the person shall be sentenced to a
206 mandatory term of imprisonment of 10 calendar years and to pay
207 a fine of one hundred thousand dollars (\$100,000).

208 c. Is 4,000 pills or capsules or more but less than
209 10,000 pills or capsules, the person shall be sentenced to a
210 mandatory term of imprisonment of 25 calendar years and to pay
211 a fine of one hundred thousand dollars (\$100,000).

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

214 (6) Any person who knowingly sells, manufactures,
215 delivers, or brings into this state, or who is knowingly in
216 actual or constructive possession of, 28 grams or more of
217 3,4-methylenedioxy amphetamine, or of any mixture containing
218 3,4-methylenedioxy amphetamine, is guilty of a felony, which
219 shall be known as "trafficking in illegal drugs." If the
220 quantity involved:

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



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

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

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

235 (7) Any person who knowingly sells, manufactures,
236 delivers, or brings into this state, or who is knowingly in
237 actual or constructive possession of, 28 grams or more of
238 5-methoxy-3,4-methylenedioxy amphetamine, or of any mixture
239 containing 5-methoxy-3,4-methylenedioxy amphetamine, is guilty
240 of a felony, which shall be known as "trafficking in illegal
241 drugs." If the quantity involved:

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

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

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



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253 thousand dollars (\$250,000).

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

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

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

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

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

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

276 (9) Any person who knowingly sells, manufactures,
277 delivers, or brings into this state, or who is knowingly in
278 actual or constructive possession of, four grams or more of
279 lysergic acid diethylamide, or four grams or more of any
280 mixture containing lysergic acid diethylamide, is guilty of a



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281 felony, which shall be known as "trafficking in illegal
282 drugs." If the quantity involved:

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

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

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

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

297 (10) Any person who knowingly sells, manufactures,
298 delivers, or brings into this state, or who is knowingly in
299 actual or constructive possession of, 28 grams or more of
300 amphetamine or any mixture containing amphetamine, its salt,
301 optical isomer, or salt of its optical isomer thereof, is
302 guilty of a felony, which shall be known as "trafficking in
303 amphetamine." If the quantity involved:

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

308 b. Is 500 grams or more, but less than one kilo, the



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309 person shall be sentenced to a mandatory minimum term of
310 imprisonment of five calendar years and to pay a fine of one
311 hundred thousand dollars (\$100,000).

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

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

318 (11) Any person who knowingly sells, manufactures,
319 delivers, or brings into this state, or who is knowingly in
320 actual or constructive possession of, 28 grams or more of
321 methamphetamine or any mixture containing methamphetamine, its
322 salts, optical isomers, or salt of its optical isomers
323 thereof, is guilty of a felony, which shall be known as
324 "trafficking in methamphetamine." If the quantity involved:

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

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

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



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

339 (12) Any person who knowingly sells, manufactures,
340 delivers, or brings into this state, or who is knowingly in
341 actual or constructive possession of 56 or more grams of a
342 synthetic controlled substance or a synthetic controlled
343 substance analogue, as described in Section 20-2-23(a) (4) or
344 (5), except for any synthetic controlled substance Fentanyl
345 analogue referenced in subdivision (13), is guilty of a
346 felony, which shall be known as "trafficking in synthetic
347 controlled substances." If the quantity involved:

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

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

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

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

362 (13) Any person, unless otherwise authorized by law,
363 who knowingly sells, manufactures, delivers, or brings into
364 this state, or who is knowingly in actual or constructive



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365 possession of, one gram or more of either: (i) Fentanyl or any
366 synthetic controlled substance Fentanyl analogue, as described
367 in Sections 20-2-23 or 20-2-25, as a single component ~~as~~
368 ~~described in Sections 20-2-23 and 20-2-25;~~ (ii) any mixture
369 of Fentanyl and any synthetic controlled substance Fentanyl
370 analogue; or (iii) any mixture of Fentanyl or any synthetic
371 controlled substance Fentanyl analogue and the immediate
372 Fentanyl precursor, 4-anilino-N-phenethyl-4-piperidine
373 (ANPP); is guilty of a felony, which shall be known as
374 "trafficking in illegal drugs." If the quantity involved:
375 a.1. Is one gram or more, but less than two grams, the
376 person shall be sentenced to a mandatory minimum term of
377 imprisonment of three calendar years and to pay a minimum fine
378 of fifty thousand dollars (\$50,000).
379 2. Is two grams or more, but less than four grams, the
380 person shall be sentenced to a mandatory minimum term of
381 imprisonment of 10 calendar years and to pay a minimum fine of
382 one hundred thousand dollars (\$100,000).
383 3. Is four grams or more, but less than eight grams,
384 the person shall be sentenced to a mandatory minimum term of
385 imprisonment of 25 calendar years and to pay a minimum fine of
386 five hundred thousand dollars (\$500,000).
387 4. Is eight grams or more, the person shall be
388 sentenced to a mandatory term of imprisonment of life and to
389 pay a minimum fine of seven hundred fifty thousand dollars
390 (\$750,000).
391 b.1. Notwithstanding any provision of law, in addition
392 to any penalties provided by law, upon a second conviction of



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393 this subdivision, the person shall be sentenced to an
394 additional term of imprisonment of five calendar years, which
395 is not subject to suspension or probation.

396 2. Upon a third or subsequent conviction of this
397 subdivision, in addition to any penalties provided by law, the
398 person shall be sentenced to an additional term of
399 imprisonment of 10 calendar years, which is not subject to
400 suspension or probation.

401 (14) In lieu of the weight ranges listed in subdivision
402 (12), a person may instead be charged with trafficking any
403 substance listed in subdivisions (3) and (12) if that person
404 possesses 50 or more individual packages of that substance.
405 The person shall only be sentenced according to the sentence
406 range provision listed in paragraph a. of each subdivision for
407 the specific substance contained in the 50 or more individual
408 packages if charged pursuant to this subdivision, subdivision
409 (15), or subdivision (16), if applicable. In order to charge a
410 person pursuant to this subdivision, the same substance must
411 be contained in each of the 50 or more individual packages.

412 (15) The felonies of "trafficking in cannabis,"
413 "trafficking in cocaine," "trafficking in illegal drugs,"
414 "trafficking in amphetamine," "trafficking in
415 methamphetamine," and "trafficking in synthetic controlled
416 substances" as defined in subdivisions (1) through (14) shall
417 be treated as Class A felonies for purposes of this title,
418 including sentencing under Section 13A-5-9. Provided, however,
419 that the sentence of imprisonment for a defendant with one or
420 more prior felony convictions who violates subdivisions (1)



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421 through (14) shall be the sentence provided therein, or the
422 sentence provided under Section 13A-5-9, whichever is greater.
423 Provided further, that the fine for a defendant with one or
424 more prior felony convictions who violates subdivisions (1)
425 through (14) shall be the fine provided therein, or the fine
426 provided under Section 13A-5-9, whichever is greater.

427 (16) Notwithstanding any provision of law to the
428 contrary, any person who has possession of a firearm during
429 the commission of any act proscribed by this section shall be
430 punished by a term of imprisonment of five calendar years,
431 which shall be in addition to, and not in lieu of, the
432 punishment otherwise provided, and a fine of twenty-five
433 thousand dollars (\$25,000). The court shall not suspend the
434 five-year additional sentence of the person or give the person
435 a probationary sentence."

436 Section 2. This act shall become effective on October
437 1, 2025.