

1 HB376
2 138687-4
3 By Representatives Galliher, Ball, Treadaway and McCutcheon
4 RFD: Judiciary
5 First Read: 21-FEB-12

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ENROLLED, An Act,

To amend Section 13A-12-211, Code of Alabama 1975, to create the crime of possession of a controlled substance with intent to distribute; to provide penalties; and in connection therewith would have as its purpose or effect the requirement of a new or increased expenditure of local funds within the meaning of Amendment 621 of the Constitution of Alabama of 1901, now appearing as Section 111.05 of the Official Recompilation of the Constitution of Alabama of 1901, as amended.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

"§13A-12-211.

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

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

"(c) A person commits the crime of unlawful possession with intent to distribute a controlled substance if, except as otherwise authorized by law, he or she knowingly

1 possesses any of the following quantities of a controlled
2 substance:

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

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

8 "(3) More than eight grams, but less than 28 grams,
9 of 3,4-methylenedioxy amphetamine, or of any mixture
10 containing 3,4-methylenedioxy amphetamine.

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

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

17 "(6) More than eight grams, but less than 28 grams,
18 of methamphetamine or any mixture containing methamphetamine,
19 its salts, optical isomers, or salt of its optical isomers
20 thereof.

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

23 Section 2. Although this bill would have as its
24 purpose or effect the requirement of a new or increased
25 expenditure of local funds, the bill is excluded from further

1 requirements and application under Amendment 621, now
2 appearing as Section 111.05 of the Official ReCompilation of
3 the Constitution of Alabama of 1901, as amended, because the
4 bill defines a new crime or amends the definition of an
5 existing crime.

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

