

1 HB50
2 188934-1
3 By Representative England
4 RFD: Judiciary
5 First Read: 09-JAN-18
6 PFD: 01/04/2018

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8 SYNOPSIS: Existing law provides that a person commits
9 the crime of unlawful possession with intent to
10 distribute if he or she possess a certain quantity
11 of listed controlled substances. This list does not
12 include synthetic controlled substances and
13 synthetic controlled substance analogues.

14 This bill would amend the list of controlled
15 substances for which a person can commit the crime
16 of unlawful possession with intent to distribute to
17 include synthetic controlled substances and
18 synthetic controlled substance analogues.

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 unlawful distribution of controlled
18 substances; to amend Section 13A-12-211, Code of Alabama 1975,
19 to add synthetic controlled substances and synthetic
20 controlled substance analogues to the list of controlled
21 substances for which a person can commit the crime of unlawful
22 possession with intent to distribute; and in connection
23 therewith would have as its purpose or effect the requirement
24 of a new or increased expenditure of local funds within the
25 meaning of Amendment 621 of the Constitution of Alabama of
26 1901, now appearing as Section 111.05 of the Official

1 Recompilation of the Constitution of Alabama of 1901, as
2 amended.

3 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

6 "§13A-12-211.

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

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

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

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

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

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

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

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

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

11 "(7) More than 16 grams, but less than 56 grams of a
12 synthetic controlled substance or a synthetic controlled
13 substance analogue as described in subdivision (4) or (5) of
14 subsection (b) of Section 20-2-23, or any mixture containing a
15 synthetic controlled substance or synthetic controlled
16 substance analogue.

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

19 Section 2. Although this bill would have as its
20 purpose or effect the requirement of a new or increased
21 expenditure of local funds, the bill is excluded from further
22 requirements and application under Amendment 621, now
23 appearing as Section 111.05 of the Official Recompilation of
24 the Constitution of Alabama of 1901, as amended, because the
25 bill defines a new crime or amends the definition of an
26 existing crime.

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