

1 HB248  
2 164136-1  
3 By Representative Todd  
4 RFD: Judiciary  
5 First Read: 11-MAR-15

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8 SYNOPSIS: Under existing law, a person who possess  
9 marijuana for other than personal use or who  
10 possesses marijuana for personal use and has  
11 previously been convicted of unlawful possession of  
12 marijuana in the second degree is guilty of a Class  
13 C felony.

14 Under existing law, a person who possesses  
15 marijuana for his or her personal use is guilty of  
16 a Class A misdemeanor, punishable by imprisonment  
17 for not more than one year, a fine of not more than  
18 six thousand dollars, or a combination of  
19 imprisonment and a fine.

20 This bill would define unlawful possession  
21 of marijuana in the first degree as possession of  
22 over one ounce of marijuana and unlawful possession  
23 of marijuana in the second degree as possession of  
24 one ounce of marijuana or less.

25 This bill would make the first offense of  
26 unlawful possession of marijuana in the second  
27 degree a violation, punishable by a fine only.

1  
2 A BILL  
3 TO BE ENTITLED  
4 AN ACT  
5

6 To amend Sections 13A-12-213 and 13A-12-214, Code of  
7 Alabama 1975, relating to possession of marijuana; to provide  
8 for the definition of unlawful possession of marijuana in the  
9 first and second degree; and to provide that a first offense  
10 for unlawful possession of marijuana in the second degree  
11 would be a violation.

12 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

13 Section 1. Sections 13A-12-213 and 13A-12-214, Code  
14 of Alabama 1975, are amended to read as follows:

15 "§13A-12-213.

16 "(a) A person commits the crime of unlawful  
17 possession of ~~marihuana~~ marijuana in the first degree if,  
18 except as otherwise authorized:

19 "(1) He or she possesses ~~marihuana for other than~~  
20 ~~personal use~~ more than one ounce of marijuana; or

21 "(2) He or she possesses ~~marihuana for his personal~~  
22 ~~use only~~ one ounce or less of marijuana after having been  
23 previously convicted of unlawful possession of ~~marihuana~~  
24 marijuana in the second degree ~~or unlawful possession of~~  
25 ~~marihuana for his personal use only~~.

26 "(b) Unlawful possession of ~~marihuana~~ marijuana in  
27 the first degree is a Class C felony.

1                   "§13A-12-214.

2                   "(a) A person commits the crime of unlawful  
3 possession of ~~marihuana~~ marijuana in the second degree if,  
4 except as otherwise authorized, he or she possesses ~~marihuana~~  
5 ~~for his personal use only~~ one ounce or less of marijuana.

6                   "(b) Unlawful possession of ~~marihuana~~ marijuana in  
7 the second degree is a ~~Class A misdemeanor~~ violation.

8                   "(c) A conviction under this section shall not  
9 appear on a person's criminal record."

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