

1 HB76
2 154834-1
3 By Representative Todd
4 RFD: Judiciary
5 First Read: 14-JAN-14
6 PFD: 12/18/2013

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

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

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

This bill would make possession of make the first offense of unlawful possession of marijuana

1 in the second degree a violation, punishable by a
2 fine only.

3
4 A BILL
5 TO BE ENTITLED
6 AN ACT
7

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

14 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

17 "§13A-12-213.

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

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

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

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

3 "§13A-12-214.

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

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

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

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