

1 SB416  
2 150536-1  
3 By Senators Pittman, Orr, Ward and Fielding  
4 RFD: Judiciary  
5 First Read: 11-APR-13

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8 SYNOPSIS: Under existing law, in addition to any  
9 disposition and fine, a person convicted of certain  
10 drug-related offenses is required to pay a penalty  
11 fixed at \$1,000 for a first offense and \$2,000 for  
12 a second or subsequent offense.

13 Also under existing law, a person convicted  
14 of or found delinquent regarding certain  
15 drug-related offenses is required to have his or  
16 her driver's license suspended.

17 This bill would include additional  
18 drug-related offenses to these provisions.

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 To amend Section 13A-12-281, Code of Alabama 1975,  
18 relating to additional penalties for certain drug-related  
19 offenses, to include certain drug-related offenses; to amend  
20 Section 13A-12-291, Code of Alabama 1975, relating to the  
21 suspension of driver's licenses for convictions related to  
22 certain drug-related offenses, to include certain drug-related  
23 offenses; and in connection therewith would have as its  
24 purpose or effect the requirement of a new or increased  
25 expenditure of local funds within the meaning of Amendment 621  
26 of the Constitution of Alabama of 1901, now appearing as

1 Section 111.05 of the Official ReCompilation of the  
2 Constitution of Alabama of 1901, as amended.

3 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

4 Section 1. Sections 13A-12-281 and 13A-12-291, Code  
5 of Alabama 1975, are amended to read as follows:

6 "§13A-12-281.

7 "(a) In addition to any disposition and fine  
8 authorized by Sections 13A-12-202, 13A-12-203, 13A-12-204,  
9 13A-12-211, 13A-12-212, 13A-12-213, 13A-12-214.1, for felony  
10 convictions only, 13A-12-215, or 13A-12-217, 13A-12-218,  
11 13A-12-219, 13A-12-231, or 12A-12-260(d), for felony  
12 convictions only, or any other statute indicating the  
13 dispositions that can be ordered for such a conviction, every  
14 person convicted of a violation of any offense defined in the  
15 sections set forth above, shall be assessed for each offense  
16 an additional penalty fixed at one thousand dollars (\$1,000)  
17 for a first offense and two thousand dollars (\$2,000) for a  
18 second or subsequent offense.

19 "(b) All penalties provided for in this division  
20 shall be in addition to and not in lieu of any fine authorized  
21 by law or required to be imposed pursuant to the provisions of  
22 the controlled substance statutes set forth in subsection (a)  
23 of this section, and nothing in this division shall be deemed  
24 to affect or suspend any other criminal sanctions imposed  
25 pursuant to these controlled substance statutes.

26 "§13A-12-291.

1 "A driver's license shall be suspended pursuant to  
2 Section 13A-12-290 for conviction of, adjudication of, or a  
3 finding of delinquency based on, the following crimes:

4 "(1) Criminal solicitation to commit a controlled  
5 substance crime under Section 13A-12-202.

6 "(2) Attempt to commit a controlled substance crime  
7 under Section 13A-12-203.

8 "(3) Criminal conspiracy to commit a controlled  
9 substance crime under Section 13A-12-204.

10 "(4) Unlawful distribution of controlled substances  
11 under Section 13A-12-211.

12 "(5) Unlawful possession or receipt of controlled  
13 substances under Section 13A-12-212.

14 "(6) Unlawful possession of ~~marihuana~~ marijuana in  
15 the first degree under Section 13A-12-213.

16 "(7) Unlawful possession of ~~marihuana~~ marijuana in  
17 the second degree under Section 13A-12-214.

18 "(8) Unlawful possession of certain chemical  
19 compounds under Section 13A-12-214.1, for felony convictions  
20 only.

21 "~~(8)~~ (9) Sale or furnishing of controlled substances  
22 by persons over age 18 to persons under age 18 under Section  
23 13A-12-215.

24 "(10) Unlawful manufacture of controlled substance  
25 in the second degree under 13A-12-217.

26 "(11) Unlawful manufacture of controlled substance  
27 in the first degree under 13A-12-218.

1                   "(12) Unlawful possession of anhydrous ammonia under  
2                   13A-12-219.

3                   "~~(9)~~(13) Trafficking in specified substances under  
4                   Section 13A-12-231.

5                   "(14) Unlawful use, possession, delivery, or sale of  
6                   drug paraphernalia under Section 13A-12-260(d), for felony  
7                   convictions only.

8                   "~~(10)~~(15) Driving under the influence of a  
9                   controlled substance, or under the combined influence of a  
10                  controlled substance and alcohol under Sections  
11                  32-5A-191(a) (3) and 32-5A-191(a) (4)."

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.