

1 HB158
2 134983-3
3 By Representatives Farley and Wood
4 RFD: Judiciary
5 First Read: 07-FEB-12
6 PFD: 02/06/2012

ENGROSSED

A BILL
TO BE ENTITLED
AN ACT

Relating to Schedule I controlled substances; to amend Section 20-2-23, Code of Alabama 1975; to provide legislative findings relating to controlled substance analogs; to add cathinone compounds, certain named chemical compounds of synthetic cannabinoids, and controlled substance analogs to the Schedule I controlled substances list subject to regulation and penalties in the same manner as other controlled substances; to amend Section 13A-12-214.1 Code of Alabama 1975, to remove references to certain named chemical compounds of synthetic cannabinoids for consistency with the addition of these compounds to Schedule I; to amend Section 13A-12-231, Code of Alabama 1975, to provide penalties for trafficking in controlled substance analogs added to Schedule I; 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:

1 Section 1. This act shall be known and may be cited
2 as the Brandon Murphree and Brandon Clark Act.

3 Section 2. The Legislature finds the following:

4 (1) New synthetic substances are being created which
5 are not controlled under the provisions of existing state law
6 but which have a potential for abuse similar to or greater
7 than that for substances controlled under existing state law.
8 These new synthetic substances are called "controlled
9 substance analogs," and can be designed to produce a desired
10 pharmacological effect and to evade the controlling statutory
11 provisions. Controlled substance analogs are being
12 manufactured, distributed, possessed, and used as substitutes
13 for controlled substances.

14 (2) The hazards attributable to the traffic in and
15 use of controlled substance analogs are increased because
16 their unregulated manufacture produces variations in purity
17 and concentration.

18 (3) Many new synthetic substances are untested, and
19 it cannot be immediately determined whether they have useful
20 medical or chemical purposes.

21 (4) The uncontrolled importation, manufacture,
22 distribution, possession, or use of controlled substance
23 analogs has a substantial and detrimental impact on the health
24 and safety of the people of this state.

25 (5) Controlled substance analogs can be created more
26 rapidly than they can be identified and controlled by action
27 of the Legislature. There is a need for a speedy determination

1 of their proper classification under existing law. It is
2 therefore necessary to identify and classify new substances
3 that have a potential for abuse, so that they can be
4 controlled in the same manner as other substances controlled
5 under existing state law.

6 Section 3. Sections 20-2-23, 13A-12-214.1, and
7 13A-12-231, Code of Alabama 1975, are amended to read as
8 follows:

9 "§20-2-23.

10 "The controlled substances listed in this section
11 are included in Schedule I:

12 "(1) Any of the following opiates, including their
13 isomers, esters, ethers, salts, and salts of isomers, esters
14 and ethers, unless specifically excepted, whenever the
15 existence of these isomers, esters, ethers and salts is
16 possible within the specific chemical designation:

17 "a. Acetylmethadol;

18 "b. Allylprodine;

19 "c. Alphacetylmethadol;

20 "d. Alphameprodine;

21 "e. Alphamethadol;

22 "f. Benzethidine;

23 "g. Betacetylmethadol;

24 "h. Betameprodine;

25 "i. Betamethadol;

26 "j. Betaprodine;

27 "k. Clonitazene;

1 "l. Dextromoramide;
2 "m. Dextrophan;
3 "n. Diampromide;
4 "o. Diethylthiambutene;
5 "p. Dimenoxadol;
6 "q. Dimepheptanol;
7 "r. Dimethylthiambutene;
8 "s. Dioxaphetyl butyrate;
9 "t. Dipipanone;
10 "u. Ethylmethylthiambutene;
11 "v. Etonitazene;
12 "w. Etoperidine;
13 "x. Furethidine;
14 "y. Hydroxypethidine;
15 "z. Ketobemidone;
16 "aa. Levomoramide;
17 "bb. Levophenacymorphan;
18 "cc. Morpheridine;
19 "dd. Noracymethadol;
20 "ee. Norlevorphanol;
21 "ff. Normethadone;
22 "gg. Norpipanone;
23 "hh. Phenadoxone;
24 "ii. Phenampromide;
25 "jj. Phenomorphan;
26 "kk. Phenoperidine;
27 "ll. Piritramide;

1 "mm. Proheptazine;
2 "nn. Properidine;
3 "oo. Racemoramide;
4 "pp. Trimeperidine.
5 "(2) Any of the following opium derivatives, their
6 salts, isomers and salts of isomers, unless specifically
7 excepted, whenever the existence of these salts, isomers and
8 salts of isomers is possible within the specific chemical
9 designation:
10 "a. Acetorphine;
11 "b. Acetyldihydrocodeine;
12 "c. Benzylmorphine;
13 "d. Codeine methylbromide;
14 "e. Codeine-N-Oxide;
15 "f. Cyprenorphine;
16 "g. Desomorphine;
17 "h. Dihydromorphine;
18 "i. Etorphine;
19 "j. Heroin;
20 "k. Hydromorphenol;
21 "l. Methyldesorphine;
22 "m. Methyldihydromorphine;
23 "n. Morphine methylbromide;
24 "o. Morphine methylsulfonate;
25 "p. Morphine-N-Oxide;
26 "q. Myrophine;
27 "r. Nicocodeine;

1 "s. Nicomorphine;
2 "t. Normorphine;
3 "u. Pholcodine;
4 "v. Thebacon.
5 "(3) Any material, compound, mixture or preparation
6 which contains any quantity of the following hallucinogenic
7 substances, their salts, isomers and salts of isomers, unless
8 specifically excepted, whenever the existence of these salts,
9 isomers and salts of isomers is possible within the specific
10 chemical designation:
11 "a. 3,4-methylenedioxy amphetamine;
12 "b. 5-methoxy-3,4-methylenedioxy amphetamine;
13 "c. 3,4,5-trimethoxy amphetamine;
14 "d. Bufotenine;
15 "e. Diethyltryptamine;
16 "f. Dimethyltryptamine;
17 "g. 4-methyl-2,5-dimethoxy amphetamine;
18 "h. Ibogaine;
19 "i. Lysergic acid diethylamide;
20 "j. Marihuana;
21 "k. Mescaline;
22 "l. Peyote;
23 "m. N-ethyl-3-piperidyl benzilate;
24 "n. N-methyl-3-piperidyl benzilate;
25 "o. Psilocybin;
26 "p. Psilocyn;
27 "q. Tetrahydrocannabinols.

1 "(4) Any of the following chemical compounds:
2 "a. 3,4-Methylenedioxymethcathinone (Methylone),
3 some trade or other names: N-methylcathinone.
4 "b. 3,4-Methylenedioxypyrovalerone (MDPV), some
5 trade or other names: N-methylcathinone.
6 "c. 4-Methylmethcathinone (Mephedrone), some trade
7 or other names: N-methylcathinone.
8 "d. 4-Methoxymethcathinone, some trade or other
9 names: PMMA.
10 "e. 3-Fluoromethcathinone, some trade or other
11 names: 3-FMC.
12 "f. 4-Fluoromethcathinone, some trade or other
13 names: 4-FMC.
14 "g.
15 1-[(5-fluoropentyl)-1H-indol-3-yl]-(2-iodophenyl)methanone,
16 some trade or other names: AM-694.
17 "h.
18 1-[(5-fluoropentyl)-1H-indol-3-yl]-(naphthalen-1-yl)methanone,
19 some trade or other names: AM-2201.
20 "i. 2-[(1R,3S)-3-hydroxycyclohexyl]-
21 5-(2-methylnonan-2-yl)phenol phenol, some trade or other
22 names: Cannabicyclohexanol.
23 "j. (6aR, 10aR)-9-(hydroxymethyl)-6,
24 6-dimethyl-3-(2-methyloctan-2-yl)-6a
25 ,7,10,10a-tetrahydrobenzo[c]chromen-1-ol, some trade or other
26 names: HU-210.

1 "k.
2 (6aS,10aS)-9-(Hydroxymethyl)-6,6-dimethyl-3-(2-methyloctan-2-y
3 l)-6a,7,10,10a-tetrahydrobenzo[c]chromen-1-ol, some trade or
4 other names: HU-211, Dexanabinol.

5 "l. 1-Pentyl-2-methyl-3-(1-naphthoyl)indole, some
6 trade or other names: JWH-007.

7 "m.
8 (2-Methyl-1-propyl-1H-indol-3-yl)-1-naphthalenylmethanone,
9 some trade or other names: JWH-015.

10 "n. Naphthalen-1-yl-(1-pentylindol-3-yl)methanone,
11 some trade or other names: JWH-018.

12 "o. 1-Hexyl-3-(naphthalen-1-oyl)indole, some trade
13 or other names: JWH-019.

14 "p. Naphthalen-1-yl-(butylindol-3-yl)methanone, some
15 trade or other names: JWH-073.

16 "q.
17 4-Methoxynaphthalen-1-yl-(1-pentylindol-3-yl)methanone, some
18 trade or other names: JWH-081.

19 "r.
20 4-Methoxynaphthalen-1-yl-(1-pentyl-2-methylindol-3-yl)
21 methanone, some trade or other names: JWH-098.

22 "s.
23 4-Methylnaphthalen-1-yl-(1-pentylindol-3-yl)methanone, some
24 trade or other names: JWH-122.

25 "t.
26 (1-(2-Morpholin-4-ylethyl)indol-3-yl)-naphthalen-1-ylmethanone
27 , some trade or other names: JWH-200.

1 "u.
2 2-(2-Chlorophenyl)-1-(1-pentylindol-3-yl)ethanone, some trade
3 or other names: JWH-203.

4 "v.
5 4-Ethyl-naphthalen-1-yl-(1-pentylindol-3-yl)methanone, some
6 trade or other names: JWH-210.

7 "w.
8 2-(2-Methoxyphenyl)-1-(1-pentylindol-3-yl)ethanone, some trade
9 or other names: JWH-250.

10 "x.
11 5-(2-fluorophenyl)-1-pentylpyrrol-3-yl)-naphthalen-1-ylmethano
12 ne, some trade or other names: JWH-307.

13 "y. 1-Pentyl-3-(4-Chloro-1-naphthoyl)indole, some
14 trade or other names: JWH-398.

15 "z.
16 2-[(1R,3S)-3-hydroxycyclohexyl]-5-(2-methyloctan-2-yl)phenol,
17 some trade or other names: CP 47, 497, and homologues.

18 "aa.
19 2-(2-Methoxyphenyl)-1-[1-(2-cyclohexylethyl)indol-3-yl]ethanon
20 e, some trade or other names: RCS-8, SR-18.

21 bb.
22 2-(4-Methoxyphenyl)-1-(1-pentyl-indol-3-yl)methanone, some
23 trade or other names: RCS-4.

24 "cc.
25 (R)-(+)-[2,3-Dihydro-5-methyl-3-(4-morpholinylmethyl)pyrrolo[1
26 ,2,3-de]-1,4-benzoxazin-6-yl]-1-naphthalenylmethanone, some
27 trade or other names: WIN 55,212-2.

1 "dd.
2 (4-Methoxyphenyl)-[2-methyl-1-(2-morpholin-4-ylethyl)indol-3-y
3 l]methanone, some trade or other names: WIN 48,098,
4 Pravadoline.

5 "(5) a. A controlled substance analog, being a
6 material, mixture, or preparation that contains any chemical
7 structure of which is chemically similar to the chemical
8 structure of any other controlled substance in Schedule I or
9 Schedule II and that satisfies any one of the following:

10 "1. Has a stimulant, depressant, or hallucinogenic
11 effect on the central nervous system that mimics or is similar
12 to or greater than the stimulant, depressant, or
13 hallucinogenic effect on the central nervous system of a
14 controlled substance in Schedule I or Schedule II.

15 "2. With respect to a particular person, if the
16 person represents or intends that the substance have a
17 stimulant, depressant, or hallucinogenic effect on the central
18 nervous system that is substantially similar to or greater
19 than the stimulant, depressant, or hallucinogenic effect on
20 the central nervous system of a controlled substance in
21 Schedule I or Schedule II.

22 "3. Has been demonstrated to have binding activity
23 at one or more cannabinoid receptors.

24 "4. Is capable of exhibiting cannabinoid-like
25 activity.

26 "5. Any compound structurally derived from
27 3-(1-naphthoyl)indole or 1H-indol-3-yl-(1-naphthyl)methane by

1 substitution at the nitrogen atom of the indole ring by alkyl,
2 alkenyl, cycloalkylmethyl, cycloalkylethyl or
3 2-(4-morpholinyl)ethyl whether or not further substituted in
4 the indole ring to any extent, whether or not substituted in
5 the naphthyl ring to any extent.

6 "6. Any compound structurally derived from
7 3-(1-naphthoyl)pyrrole by substitution at the nitrogen atom of
8 the pyrrole ring by alkyl, alkenyl, cycloalkylmethyl,
9 cycloalkylethyl or 2-(4-morpholinyl)ethyl, whether or not
10 further substituted in the pyrrole ring to any extent, whether
11 or not substituted in the naphthyl ring to any extent.

12 "7. Any compound structurally derived from
13 1-(1-naphthylmethyl)indene by substitution at the 3-position
14 of the indene ring by alkyl, alkenyl, cycloalkylmethyl,
15 cycloalkylethyl or 2-(4-morpholinyl)ethyl whether or not
16 further substituted in the indene ring to any extent, whether
17 or not substituted in the naphthyl ring to any extent.

18 "8. Any compound structurally derived from
19 3-phenylacetylindole by substitution at the nitrogen atom of
20 the indole ring with alkyl, alkenyl, cycloalkylmethyl,
21 cycloalkylethyl or 2-(4-morpholinyl)ethyl, whether or not
22 further substituted in the indole ring to any extent, whether
23 or not substituted in the phenyl ring to any extent.

24 "9. Any compound structurally derived from
25 2-(3-hydroxycyclohexyl)phenol by substitution at the
26 5-position of the phenolic ring by alkyl, alkenyl,
27 cycloalkylmethyl, cycloalkylethyl or 2-(4-morpholinyl)ethyl,

1 whether or not substituted in the cyclohexyl ring to any
2 extent.

3 "b. A controlled substance analog does not include
4 any of the following:

5 "1. Any substance for which there is an approved new
6 drug application under the Federal Food, Drug, and Cosmetic
7 Act.

8 "2. With respect to a particular person, any
9 substance, if an exemption is in effect for investigational
10 use, for that person, as provided by 21 U.S.C. § 355, and the
11 person is registered as a controlled substance researcher as
12 required under section 152.12, subdivision 3, to the extent
13 conduct with respect to the substance is pursuant to the
14 exemption and registration.

15 "c. A controlled substance analog, to the extent
16 intended for human consumption, is treated as a controlled
17 substance in Schedule I.

18 "d. After the Alabama Department of Forensic
19 Sciences has determined a substance to be a controlled
20 substance analog under this section, the department shall
21 notify the ~~Director of the~~ Alabama Department of Public Health
22 with information relevant to scheduling as provided by Section
23 20-2-20.

24 "§13A-12-214.1.

25 "(a) The possession of ~~the following chemical~~
26 ~~compounds shall be illegal in this state:~~

1 ~~"(1) (6aR,10aR)-9-(hydroxymethyl)-6,~~
2 ~~6-dimethyl-3-(2methyloctan-2-yl)-6a,7,10,10a-~~
3 ~~tetrahydrobenzo[c]chromen-1-ol, some trade or other names:~~
4 ~~HU-210.~~

5 ~~"(2) 1-Pentyl-3-(1-naphthoyl)indole, some trade or~~
6 ~~other names: JWH-018.~~

7 ~~"(3) 1-Butyl-3-(1-naphthoyl)indole, some trade or~~
8 ~~other names: JWH-073.~~

9 ~~"(4) Salvia salvia divinorum or salvinorum A7, L~~
10 ~~including all parts of the plant presently classified~~
11 ~~botanically as salvia divinorum, whether growing or not, the~~
12 ~~seeds thereof, any extract from any part of such plant, and~~
13 ~~every compound, manufacture, salts, derivative, mixture, or~~
14 ~~preparation of such plant, its seeds or extracts shall be~~
15 ~~illegal in this state.~~

16 "(b) A violation of subsection (a) shall be subject
17 to the same penalties as a violation of Sections 13A-12-213
18 and 13A-12-214."

19 "§13A-12-231.

20 "Except as authorized in Chapter 2, Title 20:

21 "(1) Any person who knowingly sells, manufactures,
22 delivers, or brings into this state, or who is knowingly in
23 actual or constructive possession of, in excess of one kilo or
24 2.2 pounds of any part of the plant of the genus Cannabis,
25 whether growing or not, the seeds thereof, the resin extracted
26 from any part of the plant, and every compound, manufacture,
27 salt, derivative, mixture, or preparation of the plant, its

1 seeds, or resin including the completely defoliated mature
2 stalks of the plant, fiber produced from the stalks, oil, or
3 cake, or the completely sterilized samples of seeds of the
4 plant which are incapable of germination is guilty of a
5 felony, which felony shall be known as "trafficking in
6 cannabis." Nothing in this subdivision shall apply to samples
7 of tetrahydrocannabinols including, but not limited to, all
8 synthetic or naturally produced samples of
9 tetrahydrocannabinols which contain more than 15 percent by
10 weight of tetrahydrocannabinols and which do not contain plant
11 material exhibiting the external morphological features of the
12 plant cannabis. If the quantity of cannabis involved:

13 "a. Is in excess of one kilo or 2.2 pounds, but less
14 than 100 pounds, the person shall be sentenced to a mandatory
15 minimum term of imprisonment of three calendar years and to
16 pay a fine of twenty-five thousand dollars (\$25,000).

17 "b. Is 100 pounds or more, but less than 500 pounds,
18 the person shall be sentenced to a mandatory minimum term of
19 imprisonment of five calendar years and to pay a fine of fifty
20 thousand dollars (\$50,000).

21 "c. Is 500 pounds or more, but less than 1,000
22 pounds, the person shall be sentenced to a mandatory minimum
23 term of imprisonment of 15 calendar years and to pay a fine of
24 two hundred thousand dollars (\$200,000).

25 "d. Is 1,000 pounds or more, the person shall be
26 sentenced to a mandatory term of imprisonment of life without
27 parole.

1 "(2) Any person who knowingly sells, manufactures,
2 delivers, or brings into this state, or who is knowingly in
3 actual or constructive possession of, 28 grams or more of
4 cocaine or of any mixture containing cocaine, described in
5 Section 20-2-25(1), is guilty of a felony, which felony shall
6 be known as "trafficking in cocaine." If the quantity
7 involved:

8 "a. Is 28 grams or more, but less than 500 grams,
9 the person shall be sentenced to a mandatory minimum term of
10 imprisonment of three calendar years and to pay a fine of
11 fifty thousand dollars (\$50,000).

12 "b. Is 500 grams or more, but less than one kilo,
13 the person shall be sentenced to a mandatory minimum term of
14 imprisonment of five calendar years and to pay a fine of one
15 hundred thousand dollars (\$100,000).

16 "c. Is one kilo, but less than 10 kilos, then the
17 person shall be sentenced to a mandatory minimum term of
18 imprisonment of 15 calendar years and to pay a fine of two
19 hundred fifty thousand dollars (\$250,000).

20 "d. Is 10 kilos or more, the person shall be
21 sentenced to a mandatory term of imprisonment of life without
22 parole.

23 "(3) Any person who knowingly sells, manufactures,
24 delivers, or brings into this state, or who is knowingly in
25 actual or constructive possession of, four grams or more of
26 any morphine, opium, or any salt, isomer, or salt of an isomer
27 thereof, including heroin, as described in Section 20-2-23(2)

1 or Section 20-2-25(1)a., or four grams or more of any mixture
2 containing any such substance, is guilty of a felony, which
3 felony shall be known as "trafficking in illegal drugs." If
4 the quantity involved:

5 "a. Is four grams or more, but less than 14 grams,
6 the person shall be sentenced to a mandatory minimum term of
7 imprisonment of three calendar years and to pay a fine of
8 fifty thousand dollars (\$50,000).

9 "b. Is 14 grams or more, but less than 28 grams, the
10 person shall be sentenced to a mandatory minimum term of
11 imprisonment of 10 calendar years and to pay a fine of one
12 hundred thousand dollars (\$100,000).

13 "c. Is 28 grams or more, but less than 56 grams, the
14 person shall be sentenced to a mandatory minimum term of
15 imprisonment of 25 calendar years and to pay a fine of five
16 hundred thousand dollars (\$500,000).

17 "d. Is 56 grams or more, the person shall be
18 sentenced to a mandatory term of imprisonment of life without
19 parole.

20 "(4) Any person who knowingly sells, manufactures,
21 delivers, or brings into this state, or who is knowingly in
22 actual or constructive possession of 1,000 or more pills or
23 capsules of methaqualone, as described in Section 20-2-1, et
24 seq., is guilty of a felony, which felony shall be known as
25 "trafficking in illegal drugs." If the quantity involved:

26 "a. Is 1,000 pills or capsules, but less than 5,000
27 pills or capsules, the person shall be sentenced to a

1 mandatory minimum term of imprisonment of three calendar years
2 and pay a fine of fifty thousand dollars (\$50,000).

3 "b. Is 5,000 capsules or more, but less than 25,000
4 capsules, that person shall be imprisoned to a mandatory
5 minimum term of imprisonment of 10 calendar years and pay a
6 fine of one hundred thousand dollars (\$100,000).

7 "c. Is 25,000 pills or more, but less than 100,000
8 pills or capsules, the person shall be sentenced to a
9 mandatory minimum term of imprisonment of 25 calendar years
10 and pay a fine of five hundred thousand dollars (\$500,000).

11 "d. Is 100,000 capsules or more, the person shall be
12 sentenced to a mandatory term of imprisonment of life without
13 parole.

14 "(5) Any person who knowingly sells, manufactures,
15 delivers or brings into this state, or who is knowingly in
16 actual or constructive possession of 500 or more pills or
17 capsules of hydromorphone as is described in Section 20-2-1,
18 et seq., is guilty of a felony which shall be known as
19 "trafficking in illegal drugs." If the quantity involved:

20 "a. Is 500 pills or capsules or more but less than
21 1,000 pills or capsules, the person shall be sentenced to a
22 mandatory term of imprisonment of three calendar years and to
23 pay a fine of fifty thousand dollars (\$50,000).

24 "b. Is 1,000 pills or capsules or more, but less
25 than 4,000 pills or capsules, the person shall be sentenced to
26 a mandatory term of imprisonment of 10 calendar years and to
27 pay a fine of one hundred thousand dollars (\$100,000).

1 "c. Is 4,000 pills or capsules or more but less than
2 10,000 pills or capsules, the person shall be sentenced to a
3 mandatory term of imprisonment of 25 calendar years and to pay
4 a fine of one hundred thousand dollars (\$100,000).

5 "d. Is more than 10,000 pills or capsules, the
6 person shall be sentenced to a mandatory term of life in
7 prison without parole.

8 "(6) Any person who knowingly sells, manufactures,
9 delivers, or brings into this state, or who is knowingly in
10 actual or constructive possession of, 28 grams or more of
11 3,4-methylenedioxy amphetamine, or of any mixture containing
12 3,4-methylenedioxy amphetamine, is guilty of a felony, which
13 felony shall be known as "trafficking in illegal drugs." If
14 the quantity involved:

15 "a. Is 28 grams or more, but less than 500 grams,
16 the person shall be sentenced to a mandatory minimum term of
17 imprisonment of three calendar years and to pay a fine of
18 fifty thousand dollars (\$50,000).

19 "b. Is 500 grams or more, but less than one kilo,
20 the person shall be sentenced to a mandatory minimum term of
21 imprisonment of five calendar years and to pay a fine of one
22 hundred thousand dollars (\$100,000).

23 "c. Is one kilo, but less than 10 kilos, then the
24 person shall be sentenced to a mandatory minimum term of
25 imprisonment of 15 calendar years and to pay a fine of two
26 hundred fifty thousand dollars (\$250,000).

1 "d. Is 10 kilos or more, the person shall be
2 sentenced to a mandatory term of imprisonment of life without
3 parole.

4 "(7) Any person who knowingly sells, manufactures,
5 delivers, or brings into this state, or who is knowingly in
6 actual or constructive possession of, 28 grams or more of
7 5-methoxy-3, 4-methylenedioxy amphetamine, or of any mixture
8 containing 5-methoxy-3, 4-methylenedioxy amphetamine is guilty
9 of a felony, which felony shall be known as "trafficking in
10 illegal drugs" if the quantity involved:

11 "a. Is 28 grams or more, but less than 500 grams,
12 the person shall be sentenced to a mandatory minimum term of
13 imprisonment of three calendar years and to pay a fine of
14 fifty thousand dollars (\$50,000).

15 "b. Is 500 grams or more, but less than one kilo,
16 the person shall be sentenced to a mandatory minimum term of
17 imprisonment of five calendar years and to pay a fine of one
18 hundred thousand dollars (\$100,000).

19 "c. Is one kilo, but less than 10 kilos, then the
20 person shall be sentenced to a mandatory minimum term of
21 imprisonment of 15 calendar years and to pay a fine of two
22 hundred fifty thousand dollars (\$250,000).

23 "d. Is 10 kilos or more, the person shall be
24 sentenced to a mandatory term of imprisonment of life without
25 parole.

26 "(8) Any person who knowingly sells, manufactures,
27 delivers, or brings into this state, or who is knowingly in

1 actual or constructive possession of, four grams or more of
2 phencyclidine, or any mixture containing phencyclidine, is
3 guilty of a felony, which felony shall be known as
4 "trafficking in illegal drugs." If the quantity involved:

5 "a. Is four grams or more, but less than 14 grams,
6 the person shall be sentenced to a mandatory minimum term of
7 imprisonment of three calendar years and to pay a fine of
8 fifty thousand dollars (\$50,000).

9 "b. Is 14 grams or more, but less than 28 grams, the
10 person shall be sentenced to a mandatory minimum term of
11 imprisonment of five calendar years and to pay a fine of one
12 hundred thousand dollars (\$100,000).

13 "c. Is 28 grams or more, but less than 56 grams,
14 then the person shall be sentenced to a mandatory minimum term
15 of imprisonment of 15 calendar years and to pay a fine of two
16 hundred fifty thousand dollars (\$250,000).

17 "d. Is 56 grams or more, the person shall be
18 sentenced to a mandatory term of imprisonment of life without
19 parole.

20 "(9) Any person who knowingly sells, manufactures,
21 delivers, or brings into this state, or who is knowingly in
22 actual or constructive possession of, four grams or more of
23 lysergic acid diethylamide, of four grams or more of any
24 mixture containing lysergic acid diethylamide, is guilty of a
25 felony, which felony shall be known as "trafficking in illegal
26 drugs." If the quantity involved:

1 "a. Is four grams or more, but less than 14 grams,
2 the person shall be sentenced to a mandatory minimum term of
3 imprisonment of three calendar years and to pay a fine of
4 fifty thousand dollars (\$50,000).

5 "b. Is 14 grams or more, but less than 28 grams, the
6 person shall be sentenced to a mandatory minimum term of
7 imprisonment of 10 calendar years and to pay a fine of one
8 hundred thousand dollars (\$100,000).

9 "c. Is 28 grams or more, but less than 56 grams, the
10 person shall be sentenced to a mandatory minimum term of
11 imprisonment of 25 calendar years and to pay a fine of five
12 hundred thousand dollars (\$500,000).

13 "d. Is 56 grams or more, the person shall be
14 sentenced to a mandatory term of imprisonment of life without
15 parole.

16 "(10) Any person who knowingly sells, manufactures,
17 delivers or brings into this state, or who is knowingly in
18 actual or constructive possession of, 28 grams or more of
19 amphetamine or any mixture containing amphetamine, its salt,
20 optical isomer, or salt of its optical isomer thereof, is
21 guilty of a felony, which felony shall be known as
22 "trafficking in amphetamine." If the quantity involved:

23 "a. Is 28 grams or more but less than 500 grams, the
24 person shall be sentenced to a mandatory minimum term of
25 imprisonment of three calendar years and to pay a fine of
26 fifty thousand dollars (\$50,000).

1 "b. Is 500 grams or more, but less than one kilo,
2 the person shall be sentenced to a mandatory minimum term of
3 imprisonment of five calendar years and to pay a fine of one
4 hundred thousand dollars (\$100,000).

5 "c. Is one kilo but less than 10 kilos, then the
6 person shall be sentenced to a mandatory minimum term of
7 imprisonment of 15 calendar years and to pay a fine of two
8 hundred fifty thousand dollars (\$250,000).

9 "d. Is 10 kilos or more, the person shall be
10 sentenced to a mandatory term of imprisonment of life without
11 parole.

12 "(11) Any person who knowingly sells, manufactures,
13 delivers, or brings into this state, or who is knowingly in
14 actual or constructive possession of, 28 grams or more of
15 methamphetamine or any mixture containing methamphetamine, its
16 salts, optical isomers, or salt of its optical isomers
17 thereof, is guilty of a felony, which felony shall be known as
18 "trafficking in methamphetamine." If the quantity involved:

19 "a. Is 28 grams or more but less than 500 grams, the
20 person shall be sentenced to a mandatory minimum term of
21 imprisonment of three calendar years and to pay a fine of
22 fifty thousand dollars (\$50,000).

23 "b. Is 500 grams or more, but less than one kilo,
24 the person shall be sentenced to a mandatory minimum term of
25 imprisonment of five calendar years and to pay a fine of one
26 hundred thousand dollars (\$100,000).

1 "c. Is one kilo but less than 10 kilos, then the
2 person shall be sentenced to a mandatory minimum term of
3 imprisonment of 15 calendar years and to pay a fine of two
4 hundred fifty thousand dollars (\$250,000).

5 "d. Is 10 kilos or more, the person shall be
6 sentenced to a mandatory term of imprisonment of life without
7 parole.

8 "(12) Any person who knowingly sells, manufactures,
9 delivers, or brings into this state, or who is knowingly in
10 actual or constructive possession of 12 or more grams of a
11 controlled substance analog, as described in Section 20-2-23,
12 is guilty of a felony, which felony shall be known as
13 "trafficking in controlled substance analogs." If the quantity
14 involved:

15 "a. Is ~~12~~ 28 grams or more, but less than 500
16 grams, the person shall be sentenced to a mandatory minimum
17 term of imprisonment of three calendar years and to pay a fine
18 of fifty thousand dollars (\$50,000).

19 "b. Is 500 grams or more, but less than 1 kilo, the
20 person shall be sentenced to a mandatory minimum term of
21 imprisonment of 10 calendar years and to pay a fine of one
22 hundred thousand dollars (\$100,000).

23 "c. Is one kilo, but less than 10 kilos, then the
24 person shall be sentenced to a mandatory minimum term of
25 imprisonment of 15 calendar years and to pay a fine of two
26 hundred fifty thousand dollars (\$250,000).

1 "c. Is 10 kilos or more, the person shall be
2 sentenced to a mandatory term of imprisonment of life without
3 parole.

4 "~~(12)~~ (13) The felonies of "trafficking in
5 cannabis," "trafficking in cocaine," "trafficking in illegal
6 drugs," "trafficking in amphetamine," ~~and~~ "trafficking in
7 methamphetamine", "and "trafficking in controlled substance
8 analogs" as defined in subdivisions (1) through ~~(11)~~ (12),
9 above, shall be treated as Class A felonies for purposes of
10 Title 13A, including sentencing under Section 13A-5-9.
11 Provided, however, that the sentence of imprisonment for a
12 defendant with one or more prior felony convictions who
13 violates subdivisions (1) through ~~(11)~~ (12) of this section
14 shall be the sentence provided therein, or the sentence
15 provided under Section 13A-5-9, whichever is greater. Provided
16 further, that the fine for a defendant with one or more prior
17 felony convictions who violates subdivisions (1) through ~~(11)~~
18 (12) of this section shall be the fine provided therein, or
19 the fine provided under Section 13A-5-9, whichever is greater.

20 "~~(13)~~ (14) Notwithstanding any provision of law to
21 the contrary, any person who has possession of a firearm
22 during the commission of any act proscribed by this section
23 shall be punished by a term of imprisonment of five calendar
24 years which shall be in addition to, and not in lieu of, the
25 punishment otherwise provided, and a fine of twenty-five
26 thousand dollars (\$25,000); the court shall not suspend the

1 five-year additional sentence of the person or give the person
2 a probationary sentence."

3 Section 4. Although this bill would have as its
4 purpose or effect the requirement of a new or increased
5 expenditure of local funds, the bill is excluded from further
6 requirements and application under Amendment 621, now
7 appearing as Section 111.05 of the Official Recompilation of
8 the Constitution of Alabama of 1901, as amended, because the
9 bill defines a new crime or amends the definition of an
10 existing crime.

11 Section 5. This act shall become effective 10 days
12 following its passage and approval by the Governor, or its
13 otherwise becoming law.

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House of Representatives

Read for the first time and re-
ferred to the House of Representa-
tives committee on Judiciary 07-FEB-12

Read for the second time and placed
on the calendar 4 amendments 08-FEB-12

Read for the third time and passed
as amended..... 23-FEB-12

Yeas 99, Nays 0, Abstains 0

Greg Pappas
Clerk