

SB285 INTRODUCED



1 SB285
2 V7RKQVP-1
3 By Senator Singleton
4 RFD: Judiciary
5 First Read: 10-Feb-26



SYNOPSIS:

Under existing law, a person commits the crime of unlawful possession of marijuana in the first degree if he or she possesses marijuana for other than personal use or possesses marijuana for personal use only after having been previously convicted of unlawful possession in the second degree or unlawful possession of marijuana for his or her personal use only.

This bill would amend the crime of unlawful possession of marijuana in the first degree to provide that a person commits the crime if he or she possesses one or more ounces of marijuana and would prescribe new criminal penalties based on the number of prior violations.

Under existing law, a person commits the crime of unlawful possession of marijuana in the second degree if he or she possesses marijuana for personal use only. Existing law also provides that the crime of unlawful possession of marijuana in the second degree is a Class A misdemeanor.

This bill would amend the crime of unlawful possession of marijuana in the second degree to provide that a person commits the crime if he or she possesses less than one ounce of marijuana and would reduce the criminal penalty to a violation, punishable by a fine.



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This bill would also provide that a person who is charged with, found not guilty of, or convicted of unlawful possession of marijuana in the first or second degree may have that charge, finding, or conviction expunged if he or she has not been convicted of a felony, misdemeanor, or violation, excluding minor traffic violations, within the last five years.

A BILL
TO BE ENTITLED
AN ACT

Relating to crimes and offenses; to amend Sections 13A-12-213 and 13A-12-214, Code of Alabama 1975, to provide further for the crimes of unlawful possession of marijuana in the first and second degrees; to revise the criminal penalties; and to provide for expungement of a charge, finding, or conviction, under certain conditions.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

"§13A-12-213

(a) A person commits the crime of unlawful possession of ~~marihuana~~ marijuana in the first degree if he or she possesses one or more ounces of marijuana, ~~except as otherwise authorized:~~

~~(1) He or she possesses marihuana for other than~~



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~~personal use; or~~

~~(2) He or she possesses marihuana for his or her personal use only after having been previously convicted of unlawful possession of marihuana in the second degree or unlawful possession of marihuana for his or her personal use only.~~

(b) Unlawful possession of ~~marihuana~~ marijuana in the first degree ~~pursuant to subdivision (1) of subsection (a) is a Class C felony.~~ is punishable as follows:

(1) Upon a first conviction of this section within the preceding five years, the person is guilty of a Class C misdemeanor, punishable only by a fine not to exceed two hundred fifty dollars (\$250).

(2) Upon a second conviction of this section within the preceding five years, the person is guilty of a Class C misdemeanor, punishable only by a fine not to exceed five hundred dollars (\$500).

(3) Upon a third or subsequent conviction of this section within the preceding five years, the person is guilty of a Class D felony, punishable only by a fine not to exceed seven hundred fifty dollars (\$750)

(c) ~~Unlawful possession of marihuana in the first degree pursuant to subdivision (2) of subsection (a) is a Class D felony.~~ All fines and forfeitures collected upon conviction or upon forfeiture of bail of any person charged with a violation of this section shall be deposited into the State Treasury to the credit of the State General Fund.

(d) Notwithstanding Chapter 27 of Title 15, a person



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who has been charged with, found not guilty of, or convicted of violating this section may file a petition in the criminal division of any circuit court to expunge records related to the charge, finding, or conviction when the person has not been convicted of any other felony, misdemeanor, or violation, excluding minor traffic violations, during the previous five years. Upon the granting of a petition, the court shall order the expungement of all records of the person as provided in Section 15-27-6."

"§13A-12-214

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

(b) Unlawful possession of ~~marihuana~~-marijuana in the second degree is a ~~Class A misdemeanor~~ violation punishable only by a fine not to exceed two hundred dollars (\$200).

(c) A violation of this section alone shall not be accompanied by a charge pursuant to Section 13A-12-260.

(d) All fines and forfeitures collected upon conviction or upon forfeiture of bail of any person charged with a violation of this section shall be deposited into the State Treasury to the credit of the State General Fund.

(e) Notwithstanding Chapter 27 of Title 15, a person who has been charged with, found not guilty of, or convicted of violating this section may file a petition in the criminal division of any circuit court to expunge records related to the charge, finding, or conviction when the person has not



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113 been convicted of any other felony, misdemeanor, or violation,
114 excluding minor traffic violations, during the previous five
115 years. Upon the granting of a petition, the court shall order
116 the expungement of all records of the person as provided in
117 Section 15-27-6."

118 Section 2. This act shall become effective on October
119 1, 2026.