

SB285 INTRODUCED



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



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4 SYNOPSIS:

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

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

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

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



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

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38 A BILL
39 TO BE ENTITLED
40 AN ACT

41
42 Relating to crimes and offenses; to amend Sections
43 13A-12-213 and 13A-12-214, Code of Alabama 1975, to provide
44 further for the crimes of unlawful possession of marijuana in
45 the first and second degrees; to revise the criminal
46 penalties; and to provide for expungement of a charge,
47 finding, or conviction, under certain conditions.

48 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

51 "§13A-12-213

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

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



57 ~~personal use; or~~

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

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

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

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

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

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

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



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

94 "§13A-12-214

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

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

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

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

108 (e) Notwithstanding Chapter 27 of Title 15, a person
109 who has been charged with, found not guilty of, or convicted
110 of violating this section may file a petition in the criminal
111 division of any circuit court to expunge records related to
112 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.