

1 HB134
2 126265-1
3 By Representative Scott
4 RFD: Judiciary
5 First Read: 03-MAR-11

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8 SYNOPSIS: Under existing law, the driver's license of
9 a person convicted of a drug offense or adjudicated
10 a juvenile delinquent when the underlying offense
11 is a drug offense is required to be suspended for
12 six months.

13 This bill would delete the requirement for
14 the suspension for all drug offenses except
15 trafficking in illegal drugs.

16 The bill would also provide for the
17 certification of this act to the United States
18 Department of Transportation by the Governor.

19
20 A BILL
21 TO BE ENTITLED
22 AN ACT

23
24 Relating to criminal sentencing; to amend Section
25 13A-12-291, Code of Alabama 1975, to delete certain named drug
26 offenses from the requirement that the driver's license of the
27 defendant be suspended on conviction of the offenses; and to

1 provide for the certification of this act to the United States
2 Department of Transportation by the Governor.

3 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

6 "§13A-12-291.

7 "(a) A driver's license shall be suspended pursuant
8 to Section 13A-12-290 for conviction of, adjudication of, or a
9 finding of delinquency based on, the following crimes:

10 "(1) Criminal solicitation to commit ~~a controlled~~
11 ~~substance crime under Section 13A-12-202~~ the crime of
12 trafficking in specified substances under Section 13A-12-231.

13 "(2) Attempt to commit ~~a controlled substance crime~~
14 ~~under Section 13A-12-203~~ the crime of trafficking in specified
15 substances under Section 13A-12-231.

16 "(3) Criminal conspiracy to commit ~~a controlled~~
17 ~~substance crime under Section 13A-12-204~~ the crime of
18 trafficking in specified substances under Section 13A-12-231.

19 "~~(4) Unlawful distribution of controlled substances~~
20 ~~under Section 13A-12-211.~~

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

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

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

1 ~~"(8) Sale or furnishing of controlled substances by~~
2 ~~persons over age 18 to persons under age 18 under Section~~
3 ~~13A-12-215.~~

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

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

10 "(b) The suspension of a driver's license of a
11 person for driving under the influence of a controlled
12 substance, or under the combined influence of a controlled
13 substance and alcohol, pursuant to Section 32-5A-191 shall be
14 governed by that section.

15 Section 2. (a) The Legislature of the State of
16 Alabama by the enactment of this act registers its opposition
17 to federally mandated legislation requiring the suspension or
18 revocation of the driving privilege of any person convicted of
19 a drug offense. This negative recommendation is based on the
20 belief by this state that the granting or withholding of a
21 driving privilege in this state is the prerogative of the
22 states and not the federal government.

23 (b) The Legislature directs the Governor to certify
24 a copy of this act to the United States Secretary of
25 Transportation expressing the opposition of this state to the
26 requirements of Section 333 of the Fiscal Year 1991 United

1 States Department of Transportation and Related Agencies
2 Appropriation Act.

3 Section 3. Section 1 of this act shall be operative
4 on the acceptance of this act by the United States Department
5 of Transportation.

6 Section 4. This act shall become effective
7 immediately following its passage and approval by the
8 Governor, or its otherwise becoming law.