

1 HB91  
2 204407-1  
3 By Representative Hill  
4 RFD: Judiciary  
5 First Read: 04-FEB-20  
6 PFD: 02/03/2020

1  
2  
3  
4  
5  
6  
7  
8       SYNOPSIS:               This bill would amend the elements of  
9                               unlawful possession of marijuana in the first  
10                              degree and further provide for penalties for  
11                              violations.

12                             This bill would also make nonsubstantive,  
13                             technical revisions to update the existing code  
14                             language to current style.

15                             Amendment 621 of the Constitution of Alabama  
16                             of 1901, now appearing as Section 111.05 of the  
17                             Official Recompilation of the Constitution of  
18                             Alabama of 1901, as amended, prohibits a general  
19                             law whose purpose or effect would be to require a  
20                             new or increased expenditure of local funds from  
21                             becoming effective with regard to a local  
22                             governmental entity without enactment by a 2/3 vote  
23                             unless: it comes within one of a number of  
24                             specified exceptions; it is approved by the  
25                             affected entity; or the Legislature appropriates  
26                             funds, or provides a local source of revenue, to  
27                             the entity for the purpose.

1                   The purpose or effect of this bill would be  
2                   to require a new or increased expenditure of local  
3                   funds within the meaning of the amendment.  
4                   However, the bill does not require approval of a  
5                   local governmental entity or enactment by a 2/3  
6                   vote to become effective because it comes within  
7                   one of the specified exceptions contained in the  
8                   amendment.

9  
10   A BILL  
11   TO BE ENTITLED  
12   AN ACT

13  
14                   Relating to marijuana offenses; to amend Sections  
15                   13A-12-213 and 13A-12-214, Code of Alabama 1975, to amend the  
16                   elements of unlawful marijuana in the first degree; to further  
17                   provide for penalties; to make nonsubstantive, technical  
18                   revisions to update the existing code language to current  
19                   style; and in connection therewith would have as its purpose  
20                   or effect the requirement of a new or increased expenditure of  
21                   local funds within the meaning of Amendment 621 of the  
22                   Constitution of Alabama of 1901, now appearing as Section  
23                   111.05 of the Official Recompilation of the Constitution of  
24                   Alabama of 1901, as amended.

25                   BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

1           "§13A-12-213.

2           "(a) A person commits the crime of unlawful  
3 possession of ~~marihuana~~ marijuana in the first degree if,  
4 except as otherwise authorized, he or she possesses marijuana  
5 for other than personal use.

6           "~~(1) He or she possesses marihuana for other than~~  
7 ~~personal use; or~~

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

13           "(b) Unlawful possession of ~~marihuana~~ marijuana in  
14 the first degree ~~pursuant to subdivision (1) of subsection (a)~~  
15 is a Class C felony.

16           "~~(c) Unlawful possession of marihuana in the first~~  
17 ~~degree pursuant to subdivision (2) of subsection (a) is a~~  
18 ~~Class D felony.~~

19           "§13A-12-214.

20           "(a) A person commits the crime of unlawful  
21 possession of ~~marihuana~~ marijuana in the second degree if,  
22 except as otherwise authorized, he or she possesses ~~marihuana~~  
23 marijuana for his or her personal use only.

24           "(b) Unlawful possession of ~~marihuana~~ marijuana in  
25 the second degree is a Class A misdemeanor."

26           Section 2. Although this bill would have as its  
27 purpose or effect the requirement of a new or increased

1 expenditure of local funds, the bill is excluded from further  
2 requirements and application under Amendment 621, now  
3 appearing as Section 111.05 of the Official ReCompilation of  
4 the Constitution of Alabama of 1901, as amended, because the  
5 bill defines a new crime or amends the definition of an  
6 existing crime.

7           Section 3. This act shall become effective on the  
8 first day of the third month following its passage and  
9 approval by the Governor, or its otherwise becoming law.