

# 2012 DRUG LAW CHANGES

## HB 1176

June 22, 2012  
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Middle Judicial Circuit District Attorneys Office



**REHAB**  
***IS FOR QUITTERS.***

# HB 1176

- Amends the drug court and mental health court statute to facilitate creation of a statewide system of accountability courts for drug offenders and offenders with mental health issues.
  - Requires data collection
  - Establishes standards & practices
  - Requires peer review of the drug courts by the Judicial Council

# HB 1176

- Creates new categories of punishment for drug possession crimes, with less severe penalties for those found with small amounts.
- No change to penalties for distribution
- No change to penalties for felony marijuana convictions

# O.C.G.A. § 16-13-30 and 31

647

## SECTION 3-7A.

648 Said title is further amended by revising Code Section 16-13-30, relating to purchase,  
649 possession, manufacture, distribution, or sale of controlled substances, and  
650 penalties, as follows:

effective on July 1, 2012,

726

## SECTION 3-7B.

727 Said title is further amended by revising Code Section 16-13-31, relating to purchase,  
728 possession, manufacture, distribution, or sale of controlled substances or marijuana and  
729 penalties, as follows:

effective on July 1, 2013,

Section 3-7B of this Act shall become effective on July 1, 2014.

## SECTION 3-7C.

844 Said title is further amended by revising Code Section 16-13-30, relating to purchase,  
845 possession, manufacture, distribution, or sale of controlled substances or marijuana and  
846 penalties, as follows:

Section 3-7C of this Act shall become effective on July 1, 2014.

O.C.G.A. § 16-13-30(a)  
SCHEDULE I  
SCHEDULE II NARCOTICS

POSSESSION



O.C.G.A. § 16-13-30(a)  
SCHEDULE I  
SCHEDULE II NARCOTICS

POSSESSION TODAY

- First Conviction: 2-15 years
- Subsequent Convictions: 5-30 years





O.C.G.A. § 16-13-30(a)  
SCHEDULE I  
SCHEDULE II NARCOTICS

POSSESSION

JULY 1, 2012 – JULY 1, 2013

- Any Conviction: 1 – 15 years



O.C.G.A. § 16-13-30(a)  
SCHEDULE I  
SCHEDULE II NARCOTICS

POSSESSION

July 1, 2013 and after....



O.C.G.A. § 16-13-30(a)  
SCHEDULE I  
SCHEDULE II NARCOTICS

(1) If the aggregate weight, including any mixture, is less than one gram of a solid substance, less than one milliliter of a liquid substance, or if the substance is placed onto a secondary medium with a combined weight of less than one gram, by imprisonment for not less than one nor more than three years;

O.C.G.A. § 16-13-30(a)  
POSS'N: SCH I, II NARCO  
JULY 1, 2013 and after...

- Less than 1 g/mL: 1-3 years
- 1 g/mL – 4 g/mL: 1-8 years
- 4\* g/mL – 28 g/mL: 1-15 years

\*4 g/mL or more of morphine, heroin and opium handled by O.C.G.A. § 16-13-31.

----No Change in 2014

O.C.G.A. § 16-13-30(b)  
SCHEDULE I  
SCHEDULE II NARCOTICS

DISTRIBUTION



O.C.G.A. § 16-13-30(b)  
SCHEDULE I  
SCHEDULE II NARCOTICS

DISTRIBUTION

NO CHANGES.....

- First conviction: 5 – 30 years
- Subsequent convictions: 10-40 years to life



# O.C.G.A. § 16-13-30(e) SCHEDULE II NON-NARCOTICS

## POSSESSION



1998



2002





# O.C.G.A. § 16-13-30(e) SCHEDULE II NON-NARCOTICS

## POSSESSION TODAY

- First conviction: 2 – 15 years
- Subsequent convictions: 5 – 30 years



1998



2002





# O.C.G.A. § 16-13-30(e) SCHEDULE II NON-NARCOTICS

POSSESSION

JULY 1, 2012 – JULY 1, 2013

- Any Conviction: 1 – 15 years



# O.C.G.A. § 16-13-30(e) SCHEDULE II NON-NARCOTICS

POSSESSION

July 1, 2013 and after....



# O.C.G.A. § 16-13-30(e)

## SCHEDULE II NON-NARCOTICS

(2) If the aggregate weight, including any mixture, is at least two grams but less than four grams of a solid substance, at least two milliliters but less than four milliliters of a liquid substance, or if the substance is placed onto a secondary medium with a combined weight of at least two grams but less than four grams, by imprisonment for not less than one nor more than eight years; and

O.C.G.A. § 16-13-30(e)  
POSS'N: SCH II NON-NARCO  
JULY 1, 2013 and after...

- Less than 2 g/mL: 1-3 years
- 2 g/mL – 4 g/mL: 1-8 years
- 4 g/mL – 28 g/mL: 1-15 years

----No Change in 2014

O.C.G.A. § 16-13-30(f)  
Third or Subsequent Conviction  
BEGINS JULY 1, 2013

- Schedule I
- Schedule II
- Counterfeit substances

“by imprisonment for a term not to exceed twice the length of the sentence applicable to the particular crime.”

# O.C.G.A. § 16-13-30(f)

## Third or Subsequent Conviction

Schedule I and II: maximum of 15 years for first and second conviction for possession.

therefore

No longer the 15 years for a third conviction

Section 3-7B of this Act shall become effective on July 1, 2013.

# O.C.G.A. § 16-13-30(g) SCHEDULE III, IV & V (except rohypnol)

## POSSESSION TODAY

- First conviction: 1-5 years
- Subsequent convictions: 1-10 years



O.C.G.A. § 16-13-30(g)  
SCHEDULE III, IV & IV  
(except rohypnol)

POSSESSION on JULY 1, 2012

- First and Second convictions: 1-3 years
- Third conviction: 1-5 years

----No Change in 2013





# O.C.G.A. § 16-13-30(h) SCHEDULE III, IV & IV (except rohypnol)

## DISTRIBUTION

NO CHANGES.....

All convictions: 1 – 10 years



# O.C.G.A. § 16-13-30(i) COUNTERFEIT SUBSTANCES

TODAY

Possession & Distribution

- All convictions: 1-10 years



# O.C.G.A. § 16-13-30(i) COUNTERFEIT SUBSTANCES

JULY 1, 2012 and later

- Possession: 1-2 years
- Distribution: 1-10 years



# O.C.G.A. § 16-13-30(j) MARIJUANA

- POSSESSION MORE THAN 1 OZ.
- DISTRIBUTION

**NO CHANGES.....**

All convictions: 1-10 years



# O.C.G.A. § 16-13-30(l)(1) Flunitrazepam (Rohypnol)

## POSSESSION TODAY

- First Conviction: 2-15 years
- Subsequent Convictions: 5-30 years



# O.C.G.A. § 16-13-30(I)(1) Flunitrazepam (Rohypnol)

POSSESSION JULY 1, 2012 – JULY 1, 2014

- Any Conviction: 1-15 years



# O.C.G.A. § 16-13-30(I)(1)

## Flunitrazepam (Rohypnol)

### POSSESSION AFTER JULY 1, 2014

(C) If the aggregate weight, including any mixture, is at least four grams of a solid substance of flunitrazepam, at least four milliliters of liquid flunitrazepam, or if the flunitrazepam is placed onto a secondary medium with a combined weight of at least four grams, by imprisonment for not less than one nor more than 15 years.

# O.C.G.A. § 16-13-30(I)(1) Flunitrazepam (Rohypnol)

## POSSESSION AFTER JULY 1, 2014

- Less than 2 g/mLs: 1-3 years
- 2 g/mLs – 4 g/mLs: 1-8 years
- More than 4 g/mLs: 1-15 years





# O.C.G.A. § 16-13-30(I)(2) Flunitrazepam (Rohypnol)

## DISTRIBUTION



## NO CHANGES

- First Conviction: 5-30 years
- Subsequent Convictions: 10-40 years, life

# O.C.G.A. § 16-13-31

## Trafficking

Said title is further amended by revising subsection (h) of Code Section 16-13-31, relating to trafficking in cocaine, illegal drugs, marijuana, or methamphetamine and penalties, as follows:

"(h) Any person who violates any provision of this Code section ~~in regard to trafficking in cocaine, illegal drugs, marijuana, or methamphetamine~~ shall be punished by ~~imprisonment for not less than five years nor~~ as provided for in the applicable mandatory minimum punishment and for ~~not~~ more than 30 years of imprisonment and by a fine not to exceed \$1 million."



*That's all Folks!*