

*As Engrossed: 2/19/91 2/22/91 2/25/91 3/8/91*

1 **State of Arkansas**  
2 **78th General Assembly**  
3 **Regular Session, 1991**  
4 **By: Representative Givens**

**A BILL ACT 864 OF 1991**  
**HOUSE BILL 1175**

**For An Act To Be Entitled**

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8 *"AN ACT TO AMEND ARKANSAS CODE ANNOTATED 5-64-411 TO*  
9 *PROVIDE FOR SENTENCE ENHANCEMENT FOR PERSONS SELLING DRUGS*  
10 *ON OR WITHIN ONE THOUSAND FEET OF CITY OR STATE PARKS,*  
11 *SCHOOLS AND DESIGNATED RECREATIONAL FACILITIES FREQUENTED*  
12 *BY MINORS; TO REPEAL ARKANSAS CODE 5-64-410 WHICH HAS*  
13 *PENALTIES INCONSISTENT WITH THIS ACT; AND FOR OTHER*  
14 *PURPOSES."*

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16 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

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18 *SECTION 1. Arkansas Code Annotated 5-64-411 is amended to read as*  
19 *follows:*

20 *"5-64-411. Distribution near certain facilities - Enhanced penalties.*

21 *(a) Any person who commits an offense under 5-64-401(a) by selling,*  
22 *delivering, dispensing, transporting, administering, or distributing a*  
23 *controlled substance may be subject to an enhanced sentence of an additional*  
24 *term of imprisonment of ten (10) years if the offense is committed on or*  
25 *within one thousand feet (1,000') of the real property of:*

26 *(1) a city or state park;*

27 *(2) a public or private elementary or secondary school, public*  
28 *vocational school, or private or public college or university; or*

29 *(3) a skating rink, Boys Club, Girls Club, YMCA, or YWCA.*

30 *(b) The enhanced portion of the sentence shall be consecutive to any*  
31 *other sentence imposed.*

32 *(c) Any person convicted under this section shall not be eligible for*  
33 *early release on parole for the enhanced portion of the sentence.*

34 *(d) Property covered by this section shall have a notice posted at the*  
35 *entrances to the property stating that 'THE SALE OF DRUGS UPON OR WITHIN ONE*  
36 *THOUSAND (1,000) FEET OF THIS PROPERTY MAY SUBJECT THE SELLER OF THE DRUGS TO*

1 AN ADDITIONAL TEN (10) YEARS IMPRISONMENT IN ADDITION TO THE TERM OF  
2 IMPRISONMENT OTHERWISE PROVIDED FOR THE UNLAWFUL SALE OF DRUGS.' However, the  
3 posting of the notice shall not be a necessary element for the enhancement of  
4 a sentence under this section.

5 (e) For the purpose of this section 'minor' means any person under  
6 eighteen (18) years of age."

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8 SECTION 2. Arkansas Code 5-64-410 is repealed. All other laws and  
9 parts of laws in conflict with this act are repealed.

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11 SECTION 3. All provisions of this act of a general and permanent nature  
12 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code  
13 Revision Commission shall incorporate the same in the Code.

14  
15 SECTION 4. If any provision of this act or the application thereof to  
16 any person or circumstance is held invalid, such invalidity shall not affect  
17 other provisions or applications of the act which can be given effect without  
18 the invalid provision or application, and to this end the provisions of this  
19 act are declared to be severable.

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22 /s/ A. Givens

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24 APPROVED: 3/29/91