

Hall of the House of Representatives
84th General Assembly - Regular Session, 2003
Amendment Form

Subtitle of House Bill No. 2596

"AN ACT TO LESSEN THE CRIMINAL PENALTIES FOR POSSESSION OF SMALL
AMOUNTS OF MARIJUANA AND OTHER CONTROLLED SUBSTANCES."

Amendment No. 1 to House Bill No. 2596.

Amend House Bill No. 2596 as originally introduced:

Page 1, delete lines 9 through 12 and substitute:

"AN ACT TO ESTABLISH CRIMINAL PENALTIES FOR THE POSSESSION OF ONE OUNCE OR LESS OF MARIJUANA; AND FOR OTHER PURPOSES."

And

Page 1, delete lines 16 through 19 and substitute:

"AN ACT TO ESTABLISH CRIMINAL PENALTIES FOR THE POSSESSION OF ONE OUNCE OR LESS OF MARIJUANA."

Delete everything after the enacting clause and substitute:

"SECTION 1. (a)(1) Notwithstanding any other provision of law, it shall be unlawful for any person to knowingly possess one ounce (1 oz.) or less of marijuana or tetrahydrocannabinols.

(2) Any person who pleads guilty or nolo contendere to, or is found guilty of violating subsection (a)(1) of this section shall be imprisoned for no less than twenty-four hours and no more than one (1) year, except that the court may order public service in lieu of jail, and shall be fined not less than one hundred fifty dollars (\$150) and no more than one thousand dollars (\$1000).

(3) Any person who pleads guilty or nolo contendere to, or is found guilty of violating subsection (a)(1) of this section for the second offense occurring within five (5) years of the first offense, shall be imprisoned for no fewer than seven (7) days but no more than one (1) year or no fewer than thirty (30) days of community service, and shall be fined no less than four hundred dollars (\$400) and no more than three thousand dollars (\$3,000).

(4) Any person who pleads guilty or nolo contendere to, or is found guilty of violating subsection (a)(1) of this section for a third offense occurring within five (5) years of the first offense shall be imprisoned for no fewer than ninety (90) days but no more than one (1) year or no fewer than ninety (90) days of community service, and shall be fined no



less than nine hundred dollars (\$900) and no more than five thousand dollars (\$5,000).

(5) Any person who pleads guilty or nolo contendere to, or is found guilty of violating subsection (a)(1) of this section for a fourth or subsequent offense occurring within five (5) years of the first offense shall be imprisoned for at least one (1) year but no more than six (6) years or not less than one (1) year of community service, and shall be fined no more than ten thousand dollars (\$10,000), and shall be guilty of an unclassified felony.

(b) Any person who unlawfully possesses more than one ounce (1 oz.) of marijuana or tetrahydrocannabinols shall be punished as provided under the Uniform Controlled Substances Act, § 5-64-101 et seq.

SECTION 2. Arkansas Code § 16-10-305(a) is amended to add an additional subdivision to read as follows:

“(8)(A) For knowingly possessing one ounce (1 oz.) or less of marijuana or tetrahydrocannabinols in circuit, district or city court, three hundred dollars (\$300).

(B) Two hundred dollars (\$200) of the court costs collected under this subdivision (8) shall be remitted to the Treasurer of State by the court clerk for deposit in the MAGNUM Drug Court Fund which is a special revenue fund created and established on the books of the Treasurer of State, Auditor of State, and Chief Fiscal Officer of the State.”

The Amendment was read _____
By: Representative Pritchard
PBB/APK - 040320030821
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Chief Clerk