

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

1 State of Arkansas  
2 84th General Assembly  
3 Regular Session, 2003  
4

As Engrossed: H4/7/03 H4/10/03

# A Bill

HOUSE BILL 2596

5 By: Representative Pritchard  
6  
7

## For An Act To Be Entitled

9 AN ACT TO ESTABLISH CRIMINAL PENALTIES FOR THE  
10 POSSESSION OF ONE OUNCE OR LESS OF MARIJUANA; AND  
11 FOR OTHER PURPOSES.  
12

### Subtitle

14 AN ACT TO ESTABLISH CRIMINAL PENALTIES  
15 FOR THE POSSESSION OF ONE OUNCE OR LESS  
16 OF MARIJUANA.  
17  
18

19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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21 SECTION 1. (a)(1) Notwithstanding any other provision of law, it  
22 shall be unlawful for any person to knowingly possess one ounce (1 oz.) or  
23 less of marijuana or tetrahydrocannabinols.

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

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



1 (4) Any person who pleads guilty or nolo contendere to, or is  
2 found guilty of violating subsection (a)(1) of this section for a third or  
3 subsequent offense occurring within five (5) years of the first offense shall  
4 be guilty of a Class D felony and imprisoned for no fewer than ninety (90)  
5 days but no more than six (6) years or no fewer than ninety (90) days of  
6 community service, and shall be fined no less than nine hundred dollars  
7 (\$900) and no more than ten thousand dollars (\$10,000).

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

11  
12 SECTION 2. Arkansas Code § 16-10-305(a) is amended to add an  
13 additional subdivision to read as follows:

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

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

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23 /s/ Pritchard  
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