

2 State of Arkansas  
3 92nd General Assembly  
4 Regular Session, 2019

# A Bill

SENATE BILL 661

5  
6 By: Senator Bond

7 Filed with: Senate Committee on Judiciary  
8 pursuant to A.C.A. §10-3-217.

## 9 For An Act To Be Entitled

10 AN ACT CONCERNING THE POSSESSION OF MARIJUANA BY A  
11 FIRST-TIME OFFENDER; CONCERNING THE POSSESSION OF A  
12 CONTROLLED SUBSTANCE; AND FOR OTHER PURPOSES.

## 13 14 15 Subtitle

16 CONCERNING THE POSSESSION OF MARIJUANA BY  
17 A FIRST-TIME OFFENDER; AND CONCERNING THE  
18 POSSESSION OF A CONTROLLED SUBSTANCE.

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

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23 SECTION 1. Arkansas Code § 5-64-419(b)(5), concerning the possession  
24 of a Schedule VI controlled substance, is amended to read as follows:

25 (5) A Schedule VI controlled substance with an aggregate weight,  
26 including an adulterant or diluent, of:

27 (A)(i) Less than four ounces (4 oz.) upon conviction is  
28 guilty of a Class A misdemeanor.

29 (ii)(a) However, if the Schedule VI controlled  
30 substance is marijuana, and the person does not have a prior conviction under  
31 this subchapter, the offense is an unclassified misdemeanor.

32 (b) The sentence for an unclassified  
33 misdemeanor under subdivision (b)(5)(A)(ii)(a) of this section is a fine of  
34 not more than one thousand dollars (\$1,000);

1                   (B) One ounce (1 oz.) or more but less than four ounces (4  
2 oz.) and the person has four (4) previous convictions under this section or  
3 the former § 5-64-401(c) upon conviction is guilty of a Class D felony;

4                   (C) Four ounces (4 oz.) or more but less than ten pounds  
5 (10 lbs.) upon conviction is guilty of a Class D felony;

6                   (D) Ten pounds (10 lbs.) or more but less than twenty-five  
7 pounds (25 lbs.) upon conviction is guilty of a Class C felony;

8                   (E) Twenty-five pounds (25 lbs.) or more but less than one  
9 hundred pounds (100 lbs.) upon conviction is guilty of a Class B felony; or

10                   (F) One hundred pounds (100 lbs.) or more but less than  
11 five hundred pounds (500 lbs.) upon conviction is guilty of a Class A felony.

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14 Referred requested by the Arkansas Senate

15 Prepared by: BPG/VJF  
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