

1 **State of Arkansas**
2 **79th General Assembly**
3 **Second Extraordinary Session, 1994**
4 **By: Senators Everett and Bell**

A Bill

Call Item 9
ACT 10 OF 1994
SENATE BILL 10

For An Act To Be Entitled

8 "AN ACT TO AMEND ARKANSAS CODE 5-64-401 TO PROVIDE THAT
9 MANUFACTURE OR DELIVERY OF SCHEDULE VI CONTROLLED
10 SUBSTANCES SHALL BE A CLASS A, B, OR C FELONY DEPENDING
11 UPON QUANTITY; TO DECLARE AN EMERGENCY; AND FOR OTHER
12 PURPOSES."

Subtitle

15 **"TO PROVIDE THAT MANUFACTURE OR**
16 **DELIVERY OF SCHEDULE VI**
17 **CONTROLLED SUBSTANCES SHALL BE A**
18 **CLASS A, B, OR C FELONY DEPENDING**
19 **UPON QUANTITY."**

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

23 **SECTION I. Subsection (a) of Arkansas Code 5-64-401 is amended to read as follows:**

24 **"(a) Except as authorized by subchapters I-6 of this chapter, it is unlawful for any**
25 **person to manufacture, deliver, or possess with intent to manufacture or deliver a controlled**
26 **substance.**

27 **(1) Any person who violates this subsection with respect to:**

28 **(i) A controlled substance classified in Schedules I or II, which is a**
29 **narcotic drug or methamphetamine, and by aggregate weight, including adulterants or**
30 **diluents, is less than twenty-eight grams (28 g.), is guilty of a felony and shall be imprisoned for**
31 **not less than ten (10) years nor more than forty (40) years, or life, and shall be fined an**
32 **amount not exceeding twenty-five thousand dollars (\$25,000). For all purposes other than**
33 **disposition, this offense is a Class Y felony.**

34 **A controlled substance classified in Schedules I or II, which is a narcotic drug or**
35 **methamphetamine, and by aggregate weight, including adulterants or diluents, is twenty-eight**
36 **grams (28 g.) or more but less than two hundred grams (200 g.), is guilty of a felony and shall**

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1 be imprisoned for not less than fifteen (15) years nor more than forty (40) years, or life, and
2 shall be fined an amount not exceeding fifty thousand dollars (\$50,000). For all purposes
3 other than disposition, this offense is a Class Y felony.

4 A controlled substance classified in Schedules I or II, which is a narcotic drug or
5 methamphetamine, and by aggregate weight, including adulterants or diluents, is two hundred
6 grams (200 g.) or more but less than four hundred grams (400 g.), is guilty of a felony and
7 shall be imprisoned for not less than twenty (20) years nor more than forty (40) years, or life,
8 and shall be fined an amount not exceeding one hundred thousand dollars (\$100,000). For all
9 purposes other than disposition, this offense is a Class Y felony.

10 A controlled substance classified in Schedules I or II, which is a narcotic drug or
11 methamphetamine, and by aggregate weight, including adulterants or diluents, is four hundred
12 grams (400 g.) or more, is guilty of a felony and shall be imprisoned for not less than forty (40)
13 years, or life, and shall be fined an amount not exceeding two hundred and fifty thousand
14 dollars (\$250,000). For all purposes other than disposition, this offense is a Class Y felony.

15 (ii) Any other controlled substance classified in Schedules I, II, or III which by
16 aggregate weight, including adulterants or diluents, is less than twenty-eight grams (28 g.), is
17 guilty of a felony and shall be imprisoned for not less than five (5) years nor more than twenty
18 (20) years and shall be fined an amount not to exceed fifteen thousand dollars (\$15,000). For
19 all purposes, other than disposition, this offense is a Class B felony.

20 Any other controlled substance classified in Schedules I, II, or III which by aggregate
21 weight, including adulterants or diluents, is twenty-eight grams (28 g.) or more but less than
22 four hundred grams (400 g.), is guilty of a felony and shall be imprisoned for not less than ten
23 (10) years nor more than forty (40) years, or life, and shall be fined an amount not to exceed
24 fifty thousand dollars (\$50,000). For all purposes other than disposition, this offense is a
25 Class B felony.

26 Any other controlled substance classified in Schedules I, II, or III which by aggregate
27 weight, including adulterants or diluents, is four hundred grams (400 g.) or more, is guilty of a
28 felony and shall be imprisoned for not less than fifteen (15) years nor more than forty (40)
29 years, or life, and shall be fined an amount not exceeding one hundred thousand dollars
30 (\$100,000). For all purposes other than disposition, this offense is a Class B felony.

31 (iii) A substance classified in Schedules IV or V which by aggregate weight,
32 including adulterants or diluents, is less than two hundred grams (200 g.), is guilty of a felony
33 and shall be imprisoned for not less than three (3) years nor more than ten (10) years and
34 shall be fined an amount not exceeding ten thousand dollars (\$10,000). For all purposes
35 other than disposition, this offense is a Class C felony.

1 **A substance classified in Schedules IV or V which by aggregate weight, including**
2 **adulterants or diluents, is two hundred grams (200 g.) or more but less than four hundred**
3 **grams (400 g.), is guilty of a felony and shall be imprisoned for not less than ten (10) years nor**
4 **more than forty (40) years, or life, and shall be fined an amount not exceeding fifty thousand**
5 **dollars (\$50,000). For all purposes other than disposition, this offense is a Class C felony.**

6 **A substance classified in Schedules IV or V which by aggregate weight, including**
7 **adulterants or diluents, is four hundred grams (400 g.) or more, is guilty of a felony and shall**
8 **be imprisoned for not less than fifteen (15) years nor more than forty (40) years, or life, and**
9 **shall be fined an amount not exceeding one hundred thousand dollars (\$100,000). For all**
10 **purposes other than disposition, this offense is a Class C felony.**

11 **(iv) A controlled substance classified in Schedule VI shall be guilty of a felony**
12 **and be: (a) Imprisoned no less than four (4) nor more than ten (10) years and/or fined no**
13 **more than twenty-five thousand dollars (\$25,000) if the quantity of the substance is less than**
14 **ten pounds (10 lbs.) and for all purposes other than disposition, this offense is a Class C felony;**
15 **or (b) Imprisoned for no less than five (5) years nor more than twenty (20) years and/or fined**
16 **no less than fifteen thousand dollars (\$15,000) nor more than fifty thousand dollars**
17 **(\$50,000) if the quantity of such substance is ten pounds (10 lbs.) or more but less than one**
18 **hundred pounds (100 lbs.) and for all purposes other than disposition, this offense is a Class B**
19 **felony; or (c) Imprisoned for no less than six (6) years nor more than thirty (30) years and/or**
20 **fined no less than fifteen thousand dollars (\$15,000) nor more than one hundred thousand**
21 **dollars (\$100,000) if the quantity of the substance is one hundred pounds (100 lbs.) or**
22 **more and for all purposes other than disposition, this offense is a Class A felony."**

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24 **SECTION 2. All provisions of this act of a general and permanent nature are**
25 **amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code Revision**
26 **Commission shall incorporate the same in the Code.**

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28 **SECTION 3. If any provision of this act or the application thereof to any person or**
29 **circumstance is held invalid, such invalidity shall not affect other provisions or applications of**
30 **the act which can be given effect without the invalid provision or application, and to this end**
31 **the provisions of this act are declared to be severable.**

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33 **SECTION 4. All laws and parts of laws in conflict with this act are hereby repealed.**

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35 **SECTION 5. EMERGENCY. It is hereby found and determined by the Seventy-**

1 **Ninth General Assembly of the State of Arkansas, meeting in the Second Extraordinary**
2 **Session of 1994, that the felony classifications for distribution or manufacture of Schedule VI**
3 **controlled substances are not sufficiently different for large and small amounts of the**
4 **controlled substance. It is necessary that the consequences for inchoate offenses related to**
5 **manufacturing or selling larger amounts of Schedule VI controlled substances be immediately**
6 **increased. Therefore, an emergency is hereby**
7 **declared to exist, and this act being immediately necessary for the preservation of the public**
8 **peace, health, and safety shall be in full force and effect from and after its passage and**
9 **approval.**

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APPROVED: 8-22-94