

*As Engrossed: 2/3/95 3/22/95*

1 **State of Arkansas**  
2 **80th General Assembly**  
3 **Regular Session, 1995**

# **A Bill**

**ACT 778 OF 1995**  
**HOUSE BILL 1402**

4 **By: Representatives J. Smith, Molinaro, von Gremp and Stalnaker**

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## **For An Act To Be Entitled**

8 *"AN ACT TO AMEND ARKANSAS CODE § 5-64-411 TO ADD COMMUNITY*  
9 *CENTERS, PUBLIC HOUSING PROJECTS, AND DRUG ABUSE TREATMENT*  
10 *CENTERS TO THE LIST OF FACILITIES FOR WHICH A PERSON CAN*  
11 *RECEIVE AN ENHANCED CRIMINAL PENALTY FOR A VIOLATION OF*  
12 *THE CONTROLLED SUBSTANCES LAWS; AND FOR OTHER PURPOSES."*

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## **Subtitle**

15 *"TO PROVIDE FOR AN ENHANCED CRIMINAL*  
16 *PENALTY FOR SELLING OR DISTRIBUTING*  
17 *ILLEGAL DRUGS NEAR COMMUNITY CENTERS,*  
18 *PUBLIC HOUSING PROJECTS, AND DRUG ABUSE*  
19 *TREATMENT CENTERS."*

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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 Annotated § 5-64-411 is hereby amended to read  
24 as follows:

25 "5-64-411. Distribution near certain facilities - Enhanced penalties.

26 (a) Any person who commits an offense under § 5-64-401(a) selling,  
27 delivering, dispensing, transporting, administering, or distributing a  
28 controlled substance may be subject to an enhanced sentence of an additional  
29 term of imprisonment of ten (10) years if the offense is committed on or  
30 within one thousand feet (1,000\_) of the real property of:

- 31 (1) A city or state park;
- 32 (2) A public or private elementary or secondary school, public  
33 vocational school, or private or public college or university;
- 34 (3) A skating rink, Boys Club, Girls Club, YMCA, YWCA, or a  
35 community or recreation center;
- 36 (4) A publicly funded and administered multi-family housing

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1 development; or

2           (5) A drug or alcohol treatment facility.

3           (6) A publicly funded and administered housing development.

4           (b) The enhanced portion of the sentence shall be consecutive to any  
5 other sentence imposed.

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

8           (d) (1) Property covered by this section shall have a notice posted at  
9 the entrances to the property stating:

10            THE SALE OF DRUGS UPON OR WITHIN ONE THOUSAND (1,000) FEET OF THIS  
11 PROPERTY MAY SUBJECT THE SELLER OF THE DRUGS TO AN ADDITIONAL TEN (10) YEARS  
12 IMPRISONMENT IN ADDITION TO THE TERM OF IMPRISONMENT OTHERWISE PROVIDED FOR  
13 THE UNLAWFUL SALE OF DRUGS.

14           (2) However, the posting of the notice shall not be a necessary  
15 element for the enhancement of a sentence under this section.

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

18           (f) For the purpose of this section, the term 'recreation center' shall  
19 mean a public place of entertainment consisting of various types of  
20 entertainment including, but not limited to, billiards or pool, pingpong or  
21 table tennis, bowling, video games, pinball machines, or any other similar  
22 type of entertainment."

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24           SECTION 2. All provisions of this act of a general and permanent nature  
25 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code  
26 Revision 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  
29 any person or circumstance is held invalid, such invalidity shall not affect  
30 other provisions or applications of the act which can be given effect without  
31 the invalid provision or application, and to this end the provisions of this  
32 act are declared to be severable.

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

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*/s/Rep. J. Smith, et al*

APPROVED: 3-24-95

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