

1 **State of Arkansas**
2 **80th General Assembly**
3 **Regular Session, 1995**
4 **By: Senators John Brown and Keet**

A Bill

ACT 799 OF 1995
SENATE BILL 241

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."

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."

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

23 SECTION 1. Arkansas Code § 5-64-411 is amended to read as follows:

24 "5-64-411. Distribution near certain facilities - Enhanced penalties.

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

30 (1) A city or state park;

31 (2) A public or private elementary or secondary school, public
32 vocational school, or private or public college or university;

33 (3) A skating rink, Boys Club, Girls Club, YMCA, YWCA, or a
34 community or recreation center;

35 (4) A publicly funded and administered multi-family housing
36 development; or

1 (5) A drug or alcohol treatment facility.

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

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

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

8
9 THE SALE OF DRUGS UPON OR WITHIN ONE THOUSAND (1,000) FEET OF THIS
10 PROPERTY MAY SUBJECT THE SELLER OF THE DRUGS TO AN ADDITIONAL TEN (10) YEARS
11 IMPRISONMENT IN ADDITION TO THE TERM OF IMPRISONMENT OTHERWISE PROVIDED FOR
12 THE UNLAWFUL SALE OF DRUGS.

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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 purposes of this section, the term 'recreation center'*
19 *shall mean a public place of entertainment consisting of various types of*
20 *entertainment including, but not limited to, billiards or pool, ping pong 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 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 provisions of this act or the application thereof to
29 any person or circumstance is held invalid, the invalidity shall not affect
30 other provisions or applications of the act which can be given effect without
31 the invalid provisions 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/Brown and Keet

APPROVED: 3-27-95

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