

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.  
**Act 673 of the Regular Session**

1 State of Arkansas  
2 87th General Assembly  
3 Regular Session, 2009

# A Bill

SENATE BILL 447

4  
5 By: Senator D. Johnson  
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## For An Act To Be Entitled

8  
9 AN ACT CONCERNING SECOND OR SUBSEQUENT  
10 CONVICTIONS FOR POSSESSION OF A CONTROLLED  
11 SUBSTANCE; AND FOR OTHER PURPOSES.  
12

## Subtitle

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14 AN ACT CONCERNING SECOND OR SUBSEQUENT  
15 CONVICTIONS FOR POSSESSION OF A  
16 CONTROLLED SUBSTANCE.  
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19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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21 SECTION 1. Arkansas Code § 5-64-401(c), concerning penalties for  
22 possession of a controlled or counterfeit substance, is amended to read as  
23 follows:

24 (c) Possession of Counterfeit or Controlled Substance.

25 (1) It is unlawful for any person to possess a controlled  
26 substance or counterfeit substance unless the controlled substance or  
27 counterfeit substance was obtained:

28 (A) Directly from or pursuant to a valid prescription or  
29 an order of a practitioner while acting in the course of his or her  
30 professional practice; or

31 (B) As otherwise authorized by this chapter.

32 (2) Any person who violates this subsection with respect to:

33 (A) A controlled substance classified in Schedule I or  
34 Schedule II is guilty of a Class C felony;

35 (B) Any other controlled substance, first offense, is



1 guilty of a Class A misdemeanor;

2 (C) Any other controlled substance, second offense, is  
3 guilty of a Class D felony; and

4 (D) Any other controlled substance, third or subsequent  
5 offense, is guilty of a Class C felony.

6 (3) For purposes of this subsection, an offense is considered a  
7 second or subsequent offense if, before his or her conviction for the  
8 offense, the person has been convicted for an offense under this subsection  
9 (c) or under any equivalent penal statute of the United States or of any  
10 state.

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12 **APPROVED: 3/27/2009**  
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