

1 State of Arkansas
2 88th General Assembly
3 Regular Session, 2011
4

As Engrossed: S3/17/11

A Bill

SENATE BILL 736

5 By: Senator B. Pritchard
6

For An Act To Be Entitled

8 AN ACT TO ESTABLISH CRIMINAL PENALTIES FOR THE
9 POSSESSION OF LESS THAN FOUR OUNCES OF A SCHEDULE VI
10 CONTROLLED SUBSTANCE; AND FOR OTHER PURPOSES.
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Subtitle

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13 TO ESTABLISH CRIMINAL PENALTIES FOR THE
14 POSSESSION OF LESS THAN FOUR OUNCES OF A
15 SCHEDULE VI 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 § 16-10-305(a)(6), effective until January 1,*
22 *2012, regarding court costs, is amended to read as follows:*

23 *(6) In city court, seventy-five dollars (\$75.00) for offenses that are*
24 *misdemeanors or violations under state law, excluding violations of:*

25 *(A) The Omnibus DWI Act, § 5-65-101 et seq.;*

26 *(B) The Underage DUI Law, § 5-65-301 et seq.;*

27 *(C) Section 5-75-101 et seq.;*

28 *(D) Section 5-76-101 et seq.;*

29 *(E) Section 27-23-114; or*

30 *(F) Section 15-42-127; ~~and~~*
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32 *SECTION 2. Arkansas Code § 16-10-305(a)(7), effective until January 1,*
33 *2012, regarding court costs, is amended to read as follows:*

34 *(7) In city court, fifty dollars (\$50.00) for traffic offenses that*
35 *are misdemeanors or violations under state law or local ordinance, excluding:*

36 *(A) The Omnibus DWI Act, § 5-65-101 et seq.;*



- 1 (B) *The Underage DUI Law, § 5-65-301 et seq.;*
- 2 (C) *Section 5-75-101 et seq.;*
- 3 (D) *Section 5-76-101 et seq.;*
- 4 (E) *Section 27-23-114; or*
- 5 (F) *Section 15-42-127-~~r~~; and*

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7 SECTION 3. *Arkansas Code § 16-10-305(a), effective until January 1,*
8 *2012, is amended to add an additional subdivision to read as follows:*

9 *(8)(A) For knowingly possessing less than four ounces (4 oz.) of a*
10 *Schedule VI controlled substance in circuit, district, or city court, three*
11 *hundred dollars (\$300).*

12 *(B) One hundred fifty dollars (\$150) of the court costs*
13 *collected under this subdivision (8) shall be remitted to the Treasurer of*
14 *State by the court clerk for deposit into the Drug Abuse Prevention and*
15 *Treatment Fund for the Office of Alcohol and Drug Abuse Prevention to be used*
16 *exclusively for drug courts or other substance abuse and prevention*
17 *activities.*

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19 SECTION 4. *Arkansas Code § 16-10-305(a), effective January 1, 2012, is*
20 *amended to read as follows:*

21 (a) *There shall be levied and collected the following court costs from*
22 *each defendant upon each conviction, each plea of guilty or nolo contendere,*
23 *or each forfeiture of bond:*

24 (1) *For misdemeanor or felony violations of state law, excluding*
25 *violations of the Omnibus DWI Act, § 5-65-101 et seq., in circuit court, one*
26 *hundred fifty dollars (\$150);*

27 (2) *For offenses that are misdemeanors or violations of state*
28 *law, excluding violations of the Omnibus DWI Act, § 5-65-101 et seq., in*
29 *district court, one hundred dollars (\$100);*

30 (3) *For traffic offenses that are misdemeanors or violations*
31 *under state law or town or city ordinance, excluding violations of the*
32 *Omnibus DWI Act, § 5-65-101 et seq., in district court, seventy-five dollars*
33 *(\$75.00);*

34 (4) *For nontraffic offenses that are misdemeanors or violations*
35 *under town, city, or county ordinance in district court, twenty-five dollars*
36 *(\$25.00); ~~and~~*

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(5) For violations of the Omnibus DWI Act, § 5-65-101 et seq., in circuit court or district court, three hundred dollars (\$300)~~+~~; and

(6)(A) For knowingly possessing less than four ounces (4 oz.) of a Schedule VI controlled substance in circuit court, district court, or city court, three hundred dollars (\$300).

(B) One hundred fifty dollars (\$150) of the court costs collected under this subdivision (a)(6) shall be remitted to the Treasurer of State by the court clerk for deposit into the Drug Abuse Prevention and Treatment Fund for the Office of Alcohol and Drug Abuse Prevention to be used exclusively for drug courts or other substance abuse and prevention activities.

/s/B. Pritchard

APPROVED: 03/25/2011