State of Arkansas

92nd General Assembly
Regular Session, 2019

By: Representatives Blake, V. Flowers
By: Senator Elliott

For An Act To Be Entitled
AN ACT CONCERNING THE POSSESSION OF MARIJUANA; AND
FOR OTHER PURPOSES.

Subtitle
CONCERNING THE POSSESSION OF MARIJUANA.

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

SECTION 1. Arkansas Code § 5-64-419(b)(5), concerning the possession of a Schedule VI controlled substance, is amended to read as follows:

(5) A Schedule VI controlled substance with an aggregate weight, including an adulterant or diluent, of:

(A)(i) Less than four ounces (4 oz.) upon conviction is guilty of a Class A misdemeanor.

(ii)(a) However, if the Schedule VI controlled substance is less than one ounce (1 oz.) of marijuana, the offense is a violation.

(b) The sentence for a violation under subdivision (b)(5)(A)(ii)(a) of this section is a fine of not more than two hundred dollars ($200);

(B)(i) One ounce (1 oz.) or more but less than four ounces (4 oz.) and the person has four (4) previous convictions under this section or the former § 5-64-401(c) upon conviction is guilty of a Class D felony.

(ii) However, a conviction under subdivision (b)(5)(A)(ii)(a) of this section is not a previous conviction under subdivision (b)(5)(B)(i) of this section;

Stricken language would be deleted from and underlined language would be added to present law.
(C) Four ounces (4 oz.) or more but less than ten pounds (10 lbs.) upon conviction is guilty of a Class D felony;

(D) Ten pounds (10 lbs.) or more but less than twenty-five pounds (25 lbs.) upon conviction is guilty of a Class C felony;

(E) Twenty-five pounds (25 lbs.) or more but less than one hundred pounds (100 lbs.) upon conviction is guilty of a Class B felony; or

(F) One hundred pounds (100 lbs.) or more but less than five hundred pounds (500 lbs.) upon conviction is guilty of a Class A felony.