

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

A Bill

SENATE BILL 62

4
5 By: Senator Madison

For An Act To Be Entitled

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8 AN ACT AMENDING THE UNIFORM CONTROLLED SUBSTANCES ACT
9 CONCERNING CERTAIN CRIMINAL PENALTIES; AND FOR OTHER
10 PURPOSES.

Subtitle

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13 AMENDING THE UNIFORM CONTROLLED
14 SUBSTANCES ACT CONCERNING CERTAIN
15 CRIMINAL PENALTIES.
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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 possession of
22 counterfeit or controlled substances, is amended to read as follows:

23 (c) Possession of Counterfeit or Controlled Substance.

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

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

30 (B) As otherwise authorized by this chapter.

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

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

34 (B) Any other controlled substance, ~~first offense,~~ is
35 guilty of a Class A misdemeanor;

36 ~~(C) Any other controlled substance, second offense, is~~



1 ~~guilty of a Class D felony; and~~

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

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

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10 SECTION 2. Arkansas Code § 5-64-401(d)(3)(A)(vii), concerning the
11 quantity of marijuana raising a rebuttable presumption of intent to deliver,
12 is amended to read as follows:

13 (vii) Marijuana - ~~one ounce (1 oz.)~~ three ounces (3
14 oz.);