

**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 547 of the Regular Session**

1 State of Arkansas
2 86th General Assembly
3 Regular Session, 2007
4

A Bill

HOUSE BILL 1713

5 By: Representative Pate
6
7

For An Act To Be Entitled

9 AN ACT TO INCREASE THE CRIMINAL PENALTIES FOR
10 MANUFACTURING, DELIVERING, OR POSSESSING WITH
11 INTENT TO MANUFACTURE OR DELIVER CONTROLLED
12 SUBSTANCES IN SCHEDULE VI UNDER CERTAIN
13 CIRCUMSTANCES; AND FOR OTHER PURPOSES.
14

Subtitle

15 TO INCREASE THE CRIMINAL PENALTIES FOR
16 MANUFACTURING, DELIVERING, OR POSSESSING
17 WITH INTENT TO MANUFACTURE OR DELIVER
18 CONTROLLED SUBSTANCES IN SCHEDULE VI
19 UNDER CERTAIN CIRCUMSTANCES.
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23 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
24

25 SECTION 1. Arkansas Code § 5-64-401(a), concerning criminal penalties
26 for manufacturing, delivering, or possessing with intent to manufacture or
27 deliver controlled substances, is amended to read as follows:

28 (a) Controlled Substance - Manufacturing, Delivering, or Possessing
29 with Intent to Manufacture or Deliver. Except as authorized by subchapters
30 1-6 of this chapter, it is unlawful for any person to manufacture, deliver,
31 or possess with intent to manufacture or deliver a controlled substance. Any
32 person who violates this subsection with respect to:

33 (1) Schedule I or II Narcotic Drug or Methamphetamine.

34 (A)(i) A controlled substance classified in Schedule I or
35 Schedule II that is a narcotic drug or methamphetamine, and by aggregate



1 weight, including an adulterant or diluent, is less than twenty-eight grams
 2 (28 g), is guilty of a felony and shall be imprisoned for not less than ten
 3 (10) years nor more than forty (40) years, or life, and shall be fined an
 4 amount not exceeding twenty-five thousand dollars (\$25,000).

5 (ii) For any purpose other than disposition, this
 6 offense is a Class Y felony.

7 (B)(i) A controlled substance classified in Schedule I or
 8 Schedule II that is a narcotic drug or methamphetamine, and by aggregate
 9 weight, including an adulterant or diluent, is twenty-eight grams (28 g) or
 10 more but less than two hundred grams (200 g), is guilty of a felony and shall
 11 be imprisoned for not less than fifteen (15) years nor more than forty (40)
 12 years, or life, and shall be fined an amount not exceeding fifty thousand
 13 dollars (\$50,000).

14 (ii) For any purpose other than disposition, this
 15 offense is a Class Y felony.

16 (C)(i) A controlled substance classified in Schedule I or
 17 Schedule II that is a narcotic drug or methamphetamine, and by aggregate
 18 weight, including an adulterant or diluent, is two hundred grams (200 g) or
 19 more but less than four hundred grams (400 g), is guilty of a felony and
 20 shall be imprisoned for not less than twenty (20) years nor more than forty
 21 (40) years, or life, and shall be fined an amount not exceeding one hundred
 22 thousand dollars (\$100,000).

23 (ii) For any purpose other than disposition, this
 24 offense is a Class Y felony.

25 (D)(i) A controlled substance classified in Schedule I or
 26 Schedule II that is a narcotic drug or methamphetamine, and by aggregate
 27 weight, including an adulterant or diluent, is four hundred grams (400 g) or
 28 more, is guilty of a felony and shall be imprisoned for not less than forty
 29 (40) years, or life, and shall be fined an amount not exceeding two hundred
 30 and fifty thousand dollars (\$250,000).

31 (ii) For any purpose other than disposition, this
 32 offense is a Class Y felony;

33 (2) Other Schedule I, II, or III.

34 (A)(i) Any other controlled substance classified in
 35 Schedule I, Schedule II, or Schedule III that by aggregate weight, including
 36 an adulterant or diluent, is less than twenty-eight grams (28 g), is guilty

1 of a felony and shall be imprisoned for not less than five (5) years nor more
 2 than twenty (20) years and shall be fined an amount not to exceed fifteen
 3 thousand dollars (\$15,000).

4 (ii) For any purpose other than disposition, this
 5 offense is a Class B felony.

6 (B)(i) Any other controlled substance classified in
 7 Schedule I, Schedule II, or Schedule III that by aggregate weight, including
 8 an adulterant or diluent, is twenty-eight grams (28 g) or more but less than
 9 four hundred grams (400 g), is guilty of a felony and shall be imprisoned for
 10 not less than ten (10) years nor more than forty (40) years, or life, and
 11 shall be fined an amount not to exceed fifty thousand dollars (\$50,000).

12 (C)(i) Any other controlled substance classified in
 13 Schedule I, Schedule II, or Schedule III that by aggregate weight, including
 14 an adulterant or diluent, is four hundred grams (400 g) or more, is guilty of
 15 a felony and shall be imprisoned for not less than fifteen (15) years nor
 16 more than forty (40) years, or life, and shall be fined an amount not
 17 exceeding one hundred thousand dollars (\$100,000).

18 (ii) For any purpose other than disposition, this
 19 offense is a Class B felony;

20 (3) Schedule IV or V.

21 (A)(i) A substance classified in Schedule IV or Schedule V
 22 that by aggregate weight, including an adulterant or diluent, is less than
 23 two hundred grams (200 g), is guilty of a felony and shall be imprisoned for
 24 not less than three (3) years nor more than ten (10) years and shall be fined
 25 an amount not exceeding ten thousand dollars (\$10,000).

26 (ii) For any purpose other than disposition, this
 27 offense is a Class C felony.

28 (B)(i) A substance classified in Schedule IV or Schedule V
 29 that by aggregate weight, including an adulterant or diluent, is two hundred
 30 grams (200 g) or more but less than four hundred grams (400 g), is guilty of
 31 a felony and shall be imprisoned for not less than ten (10) years nor more
 32 than forty (40) years, or life, and shall be fined an amount not exceeding
 33 fifty thousand dollars (\$50,000).

34 (ii) For any purpose other than disposition, this
 35 offense is a Class C felony.

36 (C)(i) A substance classified in Schedule IV or Schedule V

1 that by aggregate weight, including an adulterant or diluent, is four hundred
 2 grams (400 g) or more, is guilty of a felony and shall be imprisoned for not
 3 less than fifteen (15) years nor more than forty (40) years, or life, and
 4 shall be fined an amount not exceeding one hundred thousand dollars
 5 (\$100,000).

6 (ii) For any purpose other than disposition, this
 7 offense is a Class C felony; and

8 (4) Schedule VI. A controlled substance classified in Schedule
 9 VI is guilty of a felony and shall be:

10 (A)(i) Imprisoned no less than four (4) nor more than ten
 11 (10) years and/or fined no more than twenty-five thousand dollars (\$25,000)
 12 if the quantity of the controlled substance is less than ten pounds (10
 13 lbs.).

14 (ii) For any purpose other than disposition, this
 15 offense is a Class C felony;

16 (B)(i) Imprisoned for no less than five (5) years nor more
 17 than twenty (20) years and/or fined no less than fifteen thousand dollars
 18 (\$15,000) nor more than fifty thousand dollars (\$50,000) if the quantity of
 19 the controlled substance substance is ten pounds (10 lbs.) or more but less
 20 than one hundred pounds (100 lbs.).

21 (ii) For any purpose other than disposition, this
 22 offense is a Class B felony; ~~or~~

23 (C)(i) Imprisoned for no less than six (6) years nor more
 24 than thirty (30) years and/or fined no less than fifteen thousand dollars
 25 (\$15,000) nor more than one hundred thousand dollars (\$100,000) if the
 26 quantity of the controlled substance is one hundred pounds (100 lbs.) or more
 27 but less than five hundred pounds (500 lbs.).

28 (ii) For any purpose other than disposition, this
 29 offense is a Class A felony; or

30 (D)(i) Imprisoned for no less than ten (10) years nor more
 31 than forty (40) years and/or fined no more than two hundred fifty thousand
 32 dollars (\$250,000) if the quantity of the controlled substance is five
 33 hundred pounds (500 lbs.) or more.

34 (ii) For any purpose other than disposition, this
 35 offense is a Class Y felony.

36 APPROVED: 3/28/2007