

ARKANSAS SENATE
83rd General Assembly - Regular Session, 2001
Amendment Form

Subtitle of Senate Bill No. 861

"AN ACT TO LESSEN THE CRIMINAL PENALTIES FOR SIMPLE POSSESSION OF
SMALL AMOUNTS OF MARIJUANA."

Amendment No. 2 to Senate Bill No. 861.

Amend Senate Bill No. 861 as originally introduced:

Delete Sections 1 and 2 and substitute the following:

"SECTION 1. It is the purpose of this act to provide for a penalty for the possession of less than one (1) ounce of marijuana or tetrahydrocannabinols.

SECTION 2. Arkansas Code 5-64-401(c) is amended to read as follows:
(c) It is unlawful for any person to possess a controlled substance or counterfeit substance unless the substance was obtained directly from, or pursuant to, a valid prescription or order of a practitioner while acting in the course of his professional practice, or except as otherwise authorized by this chapter. Any person convicted of a first offense for violation of this subsection is guilty of a Class A misdemeanor. Provided any person who is convicted of a second offense for a violation of this subsection is guilty of a Class D felony. Provided, any person who is convicted of a third or subsequent offense for violation of this subsection shall be guilty of a Class C felony. Provided, however, any person who unlawfully possesses a controlled substance listed under Schedules I or II of subchapters 1-6 of this chapter shall be guilty of a Class C felony. Notwithstanding anything in this chapter to the contrary, possession of marijuana or tetrahydrocannabinols, as defined in § 5-64-215, shall be deemed an unclassified misdemeanor punishable by a fine of up to two hundred dollars (\$200). There shall be no enhancement of the punishment for possession of marijuana or tetrahydrocannabinols by reason of subsequent offenses.

SECTION 3. Arkansas Code 27-16-915(b)(1)(A) is amended to read as follows:

(b)(1)(A) Whenever a person pleads guilty, nolo contendere, or is found guilty of any criminal offense involving the illegal possession or use of controlled substances under § 5-64-101 et seq., or of any drug offense, in this state or any other state, the court having jurisdiction of such matter, including any federal court, shall prepare and transmit to the Department of

Finance and Administration an order to suspend the driving privileges of the person for six (6) months, provided any such order regarding a person who is a holder of a commercial driver's license issued under § 27-23-101 et seq. or under the laws of any other state shall include the suspension of the driving privileges of that person to drive any commercial motor vehicle, as the term "commercial motor vehicle" is defined in § 27-23-103(7), or as similarly defined by the laws of any other state, for a period of one (1) year. Provided, however, that possession of marijuana or tetrahydrocannabinols, as defined in § 5-64-215, shall not constitute grounds to suspend driving privileges under this chapter."

The Amendment was read the first time, rules suspended and read the second time and _____

By: Senator Riggs
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Secretary