

Stricken language would be deleted from and underlined language would be added to law as it existed prior to the
82nd General Assembly.

State of Arkansas

As Engrossed: H1/13/99 H1/29/99 S4/2/99

82nd General Assembly

A Bill

Regular Session, 1999

HOUSE BILL 1004

By: Representative Trammell

For An Act To Be Entitled

"AN ACT TO BE KNOWN AS THE 'ARKANSAS METHAMPHETAMINE
LAB ACT OF 1999'; AND FOR OTHER PURPOSES."

Subtitle

"AN ACT TO BE KNOWN AS THE 'ARKANSAS
METHAMPHETAMINE LAB ACT OF 1999'."

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

SECTION 1. This act shall be known as the "Arkansas Methamphetamine Lab
Act of 1999".

SECTION 2. Arkansas Code 5-64-401 is amended by adding the following
new subsection:

"(g) Rebuttable presumption on attempt to manufacture methamphetamine.
Simultaneous possession by any person of drug paraphernalia as defined in § 5-
64-101 and drug precursors appropriate for use to manufacture methamphetamine,
or possession by any person of drug paraphernalia appropriate for use to
manufacture methamphetamine which tests positive for methamphetamine residue
shall create a rebuttable presumption that such person has engaged in conduct
that constitutes a substantial step in a course of conduct intended to result
in the manufacture of methamphetamine in violation of § 5-3-201, conduct
constituting attempt and § 5-64-401. Provided, however, the presumption
provided for herein may be overcome by the submission of evidence sufficient
to create a reasonable doubt that the person charged attempted to manufacture
methamphetamine."

SECTION 3. Arkansas Code 5-64-403(c) is amended to add the following

1 new subsection:

2 "(5) It is unlawful for any person to use, or to possess with intent to
3 use, drug paraphernalia to manufacture methamphetamine in violation of this
4 chapter. Any person who pleads guilty, nolo contendere, or is found guilty of
5 violating the provisions of this subsection shall be guilty of a Class B
6 felony and shall be fined an amount not exceeding fifteen thousand dollars
7 (\$15,000)."

8
9 SECTION 4. Arkansas Code 16-93-611 is amended to read as follows:

10 "16-93-611. Class Y felonies.

11 Notwithstanding any law allowing the award of meritorious good time or
12 any other law to the contrary, any person who is found guilty of or who pleads
13 guilty or nolo contendere to murder in the first degree, § 5-10-102,
14 kidnapping, Class Y felonies, § 5-11-102, aggravated robbery, § 5-12-103,
15 rape, § 5-14-103, and causing a catastrophe, § 5-38-202(a), manufacture of
16 methamphetamine, or possession of drug paraphernalia with the intent to
17 manufacture methamphetamine, § 5-64-403(c)(5), shall not be eligible for
18 parole or community punishment transfer until the person serves seventy
19 percent (70%) of the term of imprisonment, including a sentence prescribed
20 under § 5-4-501, to which the person is sentenced."

21
22 SECTION 5. Subsection (b) of Section 2 of Act 1135 of 1997 is amended
23 to read as follows:

24 "(b) The provisions of this section shall expire on ~~December 31, 2001~~
25 April 30, 2002."

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27 SECTION 6. The provisions of this act shall expire on April 30, 2002.

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29 SECTION 7. The Arkansas Sentencing Commission shall report to the
30 General Assembly regarding the impact of this act and shall make
31 recommendations deemed appropriate as to the continuance of its provisions.

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33 SECTION 8. All provisions of this Act of a general and permanent nature
34 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code
35 Revision Commission shall incorporate the same in the Code.

SECTION 9. If any provision of this Act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the Act which can be given effect without the invalid provision or application, and to this end the provisions of this Act are declared to be severable.

SECTION 10. All laws and parts of laws in conflict with this Act are hereby repealed.

SECTION 11. EMERGENCY. It is found and determined by the General Assembly that the illegal use of the drug methamphetamine has become a serious problem in this State; that, because the drug is relatively easy to make, many illegal methamphetamine labs are operating in the state; that this act increases penalties for drug paraphernalia used to manufacture methamphetamine; and that this act is immediately necessary to combat illegal drug production and use in this state. Therefore, an emergency is declared to exist and this act being immediately necessary for the preservation of the public peace, health and safety shall become effective on the date of its approval by the Governor. If the bill is neither approved nor vetoed by the Governor, it shall become effective on the expiration of the period of time during which the Governor may veto the bill. If the bill is vetoed by the Governor and the veto is overridden, it shall become effective on the date the last house overrides the veto.

/s/ Trammel I