

1 State of Arkansas  
2 82nd General Assembly  
3 Regular Session, 1999

# A Bill

SENATE BILL 611

4  
5 By: Senator Critcher  
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## For An Act To Be Entitled

8  
9 "AN ACT TO AMEND ARKANSAS CODE 5-64-401(a) TO INCLUDE  
10 METHCATHINONE AS A CLASS Y FELONY; AND FOR OTHER  
11 PURPOSES. "

## Subtitle

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14 "TO AMEND ARKANSAS CODE 5-64-401(a) TO  
15 INCLUDE METHCATHINONE AS A CLASS Y  
16 FELONY. "

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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(a) is amended to read as follows:

22 "(a) Except as authorized by subchapters 1-6 of this chapter, it is  
23 unlawful for any person to manufacture, deliver, or possess with intent to  
24 manufacture or deliver a controlled substance.

25 (1) Any person who violates this subsection with respect to:

26 (i) A controlled substance classified in Schedules I  
27 or II, which is a narcotic drug, ~~or~~ methamphetamine, or methcathinone, and by  
28 aggregate weight, including adulterants or diluents, is less than twenty-eight  
29 grams (28 g.), is guilty of a felony and shall be imprisoned for not less than  
30 ten (10) years nor more than forty (40) years, or life, and shall be fined an  
31 amount not exceeding twenty-five thousand dollars (\$25,000). For all purposes  
32 other than disposition, this offense is a Class Y felony.

33 A controlled substance classified in Schedules I or II, which is a  
34 narcotic drug, ~~or~~ methamphetamine, or methcathinone, and by aggregate weight,  
35 including adulterants or diluents, is twenty-eight grams (28 g.) or more but  
36 less than two hundred grams (200 g.), is guilty of a felony and shall be

1 imprisoned for not less than fifteen (15) years nor more than forty (40)  
2 years, or life, and shall be fined an amount not exceeding fifty thousand  
3 dollars (\$50,000). For all purposes other than disposition, this offense is a  
4 Class Y felony.

5 A controlled substance classified in Schedules I or II, which is a  
6 narcotic drug, ~~or~~ methamphetamine, or methcathinone, and by aggregate weight,  
7 including adulterants or diluents, is two hundred grams (200 g.) or more but  
8 less than four hundred grams (400 g.), is guilty of a felony and shall be  
9 imprisoned for not less than twenty (20) years nor more than forty (40) years,  
10 or life, and shall be fined an amount not exceeding one hundred thousand  
11 dollars (\$100,000). For all purposes other than disposition, this offense is a  
12 Class Y felony.

13 A controlled substance classified in Schedules I or II, which is a  
14 narcotic drug, ~~or~~ methamphetamine, or methcathinone, and by aggregate weight,  
15 including adulterants or diluents, is four hundred grams (400 g.) or more, is  
16 guilty of a felony and shall be imprisoned for not less than forty (40) years,  
17 or life, and shall be fined an amount not exceeding two hundred and fifty  
18 thousand dollars (\$250,000). For all purposes other than disposition, this  
19 offense is a Class Y felony.

20 (ii) Any other controlled substance classified in  
21 Schedules I, II, or III which by aggregate weight, including adulterants or  
22 diluents, is less than twenty-eight grams (28 g.), is guilty of a felony and  
23 shall be imprisoned for not less than five (5) years nor more than twenty (20)  
24 years and shall be fined an amount not to exceed fifteen thousand dollars  
25 (\$15,000). For all purposes, other than disposition, this offense is a Class  
26 B felony.

27 Any other controlled substance classified in Schedules I, II, or III  
28 which by aggregate weight, including adulterants or diluents, is twenty-eight  
29 grams (28 g.) or more but less than four hundred grams (400 g.), is guilty of  
30 a felony and shall be imprisoned for not less than ten (10) years nor more  
31 than forty (40) years, or life, and shall be fined an amount not to exceed  
32 fifty thousand dollars (\$50,000). For all purposes other than disposition,  
33 this offense is a Class B felony.

34 Any other controlled substance classified in Schedules I, II, or III  
35 which by aggregate weight, including adulterants or diluents, is four hundred  
36 grams (400 g.) or more, is guilty of a felony and shall be imprisoned for not

1 less than fifteen (15) years nor more than forty (40) years, or life, and  
2 shall be fined an amount not exceeding one hundred thousand dollars  
3 (\$100,000). For all purposes other than disposition, this offense is a Class B  
4 felony.

5 (iii) A substance classified in Schedules IV or V  
6 which by aggregate weight, including adulterants or diluents, is less than two  
7 hundred grams (200 g.), is guilty of a felony and shall be imprisoned for not  
8 less than three (3) years nor more than ten (10) years and shall be fined an  
9 amount not exceeding ten thousand dollars (\$10,000). For all purposes other  
10 than disposition, this offense is a Class C felony.

11 A substance classified in Schedules IV or V which by aggregate weight,  
12 including adulterants or diluents, is two hundred grams (200 g.) or more but  
13 less than four hundred grams (400 g.), is guilty of a felony and shall be  
14 imprisoned for not less than ten (10) years nor more than forty (40) years, or  
15 life, and shall be fined an amount not exceeding fifty thousand dollars  
16 (\$50,000). For all purposes other than disposition, this offense is a Class C  
17 felony.

18 A substance classified in Schedules IV or V which by aggregate weight,  
19 including adulterants or diluents, is four hundred grams (400 g.) or more, is  
20 guilty of a felony and shall be imprisoned for not less than fifteen (15)  
21 years nor more than forty (40) years, or life, and shall be fined an amount  
22 not exceeding one hundred thousand dollars (\$100,000). For all purposes other  
23 than disposition, this offense is a Class C felony.

24 (iv) A controlled substance classified in Schedule VI  
25 shall be guilty of a felony and be: (a) Imprisoned no less than four (4) nor  
26 more than ten (10) years and/or fined no more than twenty-five thousand  
27 dollars (\$25,000) if the quantity of the substance is less than ten pounds (10  
28 lbs.) and for all purposes other than disposition, this offense is a Class C  
29 felony; or (b) Imprisoned for no less than five (5) years nor more than twenty  
30 (20) years and/or fined no less than fifteen thousand dollars (\$15,000) nor  
31 more than fifty thousand dollars (\$50,000) if the quantity of such substance  
32 is ten pounds (10 lbs.) or more but less than one hundred pounds (100 lbs.)  
33 and for all purposes other than disposition, this offense is a Class B felony;  
34 or (c) Imprisoned for no less than six (6) years nor more than thirty (30)  
35 years and/or fined no less than fifteen thousand dollars (\$15,000) nor more  
36 than one hundred thousand dollars (\$100,000) if the quantity of the substance

1 is one hundred pounds (100 lbs.) or more and for all purposes other than  
2 disposition, this offense is a Class A felony.”

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4 SECTION 2. All provisions of this act of a general and permanent nature  
5 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code  
6 Revision Commission shall incorporate the same in the Code.

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8 SECTION 3. If any provision of this act or the application thereof to  
9 any person or circumstance is held invalid, such invalidity shall not affect  
10 other provisions or applications of the act which can be given effect without  
11 the invalid provision or application, and to this end the provisions of this  
12 act are declared to be severable.

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14 SECTION 4. All laws and parts of laws in conflict with this act are  
15 hereby repealed.