

State of Arkansas
83rd General Assembly
Regular Session, 2001

A Bill

SENATE BILL 784

By: Senator Webb

For An Act To Be Entitled

AN ACT TO AMEND ARKANSAS CODE 5-64-401(c) TO ALLOW
PENALTY ENHANCEMENT FOR POSSESSION OF A CONTROLLED
SUBSTANCE BASED ON CONVICTIONS IN OTHER STATES AND
FOREIGN JURISDICTIONS; AND FOR OTHER PURPOSES.

Subtitle

AN ACT TO AMEND ARKANSAS CODE 5-64-401
(c) TO ALLOW PENALTY ENHANCEMENT FOR
POSSESSION OF A CONTROLLED SUBSTANCE
BASED ON CONVICTIONS IN OTHER STATES AND
FOREIGN JURISDICTIONS.

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

SECTION 1. Arkansas Code 5-64-401(c), concerning criminal penalties for possession of a controlled substance, 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 or other equivalent penal law of another state or foreign jurisdiction is guilty of a Class D felony. Provided, any person who is convicted of a third or subsequent offense for violation of this subsection or other equivalent penal law of another state or foreign jurisdiction 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.