

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.

1 State of Arkansas
2 83rd General Assembly
3 Regular Session, 2001
4

As Engrossed: S3/22/01

A Bill

SENATE BILL 861

5 By: Senator Riggs
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For An Act To Be Entitled

9 AN ACT TO LESSEN THE CRIMINAL PENALTIES FOR
10 SIMPLE POSSESSION OF SMALL AMOUNTS OF MARIJUANA;
11 AND FOR OTHER PURPOSES.
12

Subtitle

13 AN ACT TO LESSEN THE CRIMINAL PENALTIES
14 FOR SIMPLE POSSESSION OF SMALL AMOUNTS
15 OF MARIJUANA.
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19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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21 *SECTION 1. It is the purpose of this act to provide for a penalty for*
22 *the possession of less than one (1) ounce of marijuana or*
23 *tetrahydrocannabinols.*
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25 *SECTION 2. Arkansas Code 5-64-401(c) is amended to read as follows:*

26 *(c) It is unlawful for any person to possess a controlled substance or*
27 *counterfeit substance unless the substance was obtained directly from, or*
28 *pursuant to, a valid prescription or order of a practitioner while acting in*
29 *the course of his professional practice, or except as otherwise authorized by*
30 *this chapter. Any person convicted of a first offense for violation of this*
31 *subsection is guilty of a Class A misdemeanor. Provided any person who is*
32 *convicted of a second offense for a violation of this subsection is guilty of a*
33 *Class D felony. Provided, any person who is convicted of a third or*
34 *subsequent offense for violation of this subsection shall be guilty of a*
35 *Class C felony. Provided, however, any person who unlawfully possesses a*
36 *controlled substance listed under Schedules I or II of subchapters 1-6 of*

1 *this chapter shall be guilty of a Class C felony. Notwithstanding anything*
 2 *in this chapter to the contrary, possession of marijuana or*
 3 *tetrahydrocannabinols, as defined in § 5-64-215, shall be deemed an*
 4 *unclassified misdemeanor punishable by a fine of up to two hundred dollars*
 5 *(\$200). There shall be no enhancement of the punishment for possession of*
 6 *marijuana or tetrahydrocannabinols by reason of subsequent offenses.*

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

10 (b)(1)(A) *Whenever a person pleads guilty, nolo contendere, or is*
 11 *found guilty of any criminal offense involving the illegal possession or use*
 12 *of controlled substances under § 5-64-101 et seq., or of any drug offense, in*
 13 *this state or any other state, the court having jurisdiction of such matter,*
 14 *including any federal court, shall prepare and transmit to the Department of*
 15 *Finance and Administration an order to suspend the driving privileges of the*
 16 *person for six (6) months, provided any such order regarding a person who is*
 17 *a holder of a commercial driver's license issued under § 27-23-101 et seq. or*
 18 *under the laws of any other state shall include the suspension of the driving*
 19 *privileges of that person to drive any commercial motor vehicle, as the term*
 20 *"commercial motor vehicle" is defined in § 27-23-103(7), or as similarly*
 21 *defined by the laws of any other state, for a period of one (1) year.*
 22 *Provided, however, that possession of marijuana or tetrahydrocannabinols, as*
 23 *defined in § 5-64-215, shall not constitute grounds to suspend driving*
 24 *privileges under this chapter.*

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 27 /s/ Riggs
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