

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 85th General Assembly  
3 Regular Session, 2005  
4

# A Bill

HOUSE BILL 1265

5 By: Representative T. Hutchinson  
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## For An Act To Be Entitled

9 AN ACT TO PROVIDE ENHANCED PENALTIES FOR  
10 POSSESSION OF A CONTROLLED SUBSTANCE BY A  
11 PREGNANT PERSON; AND FOR OTHER PURPOSES.  
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## Subtitle

13 AN ACT TO PROVIDE ENHANCED PENALTIES FOR  
14 POSSESSION OF A CONTROLLED SUBSTANCE BY  
15 A PREGNANT PERSON.  
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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(c), pertaining to the criminal  
22 offense of possession of a controlled substance, is amended to read as  
23 follows:

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

36 (2)(A) Any person who violates the provisions of subdivision



1 (c)(1) of this section when the person knew or should have known that the  
2 person was pregnant shall be subject to the enhanced penalties of subdivision  
3 (c)(2)(B) of this section.

4 (B) Upon conviction of the person that knew or should have  
5 known that the person was pregnant at the time of the violation of  
6 subdivision (c)(1) of this section, the classification and penalty range of  
7 the offense shall be increased by one (1) classification.

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