

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 86th General Assembly
3 Regular Session, 2007
4

A Bill

HOUSE BILL 1004

5 By: Representatives Wells, L. Evans, George
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For An Act To Be Entitled

9 AN ACT CONCERNING ENHANCED PENALTIES FOR THE
10 MANUFACTURE OF METHAMPHETAMINE IN THE PRESENCE OF
11 CERTAIN PERSONS; AND FOR OTHER PURPOSES.
12

Subtitle

13 AN ACT CONCERNING ENHANCED PENALTIES FOR
14 THE MANUFACTURE OF METHAMPHETAMINE IN
15 THE PRESENCE OF CERTAIN PERSONS.
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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 § 5-64-407 is amended to read as follows:

22 5-64-407. Manufacture of methamphetamine in the presence of ~~minors~~
23 certain persons - Enhanced penalties.

24 (a) Any person who is found guilty of or who pleads guilty or nolo
25 contendere to manufacture of methamphetamine, § 5-64-401(a)(1), or possession
26 of drug paraphernalia with the intent to manufacture methamphetamine, § 5-64-
27 403(c)(5), may be subject to an enhanced sentence of an additional term of
28 imprisonment of ten (10) years if the offense is committed:

29 (1) In the presence of a minor, elderly person, or incompetent
30 person who may or may not be related to the person;

31 (2) With a minor, elderly person, or incompetent person in the
32 same home or building where the methamphetamine was being manufactured or
33 where the drug paraphernalia to manufacture methamphetamine was in use or was
34 in preparation to be used; or

35 (3) With a minor, elderly person, or incompetent person present
36 in the same immediate area or in the same vehicle at the time of the person's



1 arrest for the offense.

2 (b) The enhanced portion of the sentence is consecutive to any other
3 sentence imposed.

4 (c) Any person sentenced under this section is not eligible for early
5 release on parole for the enhanced portion of the sentence.

6 (d) As used in this section:

7 (1) "Elderly person" means any person seventy (70) years of age
8 or older;

9 (2) "Incompetent person" means any person who is incapable of
10 consent because he or she is physically helpless, mentally defective, or
11 mentally incapacitated; and

12 (3) ~~"minor"~~ "Minor" means any person under eighteen (18) years
13 of age.

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