

State of Arkansas  
86th General Assembly  
Regular Session, 2007

# A Bill

HOUSE BILL 1567

By: Representative S. Prater

## For An Act To Be Entitled

AN ACT TO PROVIDE ENHANCED PENALTIES FOR PERSONS  
SELLING A CONTROLLED SUBSTANCE AT OR NEAR SCHOOL  
BUS STOPS; AND FOR OTHER PURPOSES.

## Subtitle

AN ACT TO PROVIDE ENHANCED PENALTIES FOR  
PERSONS SELLING A CONTROLLED SUBSTANCE  
AT OR NEAR SCHOOL BUS STOPS.

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

SECTION 1. Arkansas Code § 5-64-411 is amended to read as follows:

5-64-411. Proximity to certain facilities - Enhanced penalties.

(a) Any person who commits an offense under § 5-64-401(a) by selling, delivering, possessing with intent to deliver, dispensing, manufacturing, transporting, administering, or distributing a controlled substance may be subject to an enhanced sentence of an additional term of imprisonment of ten (10) years if the offense is committed on or within one thousand feet (1,000') of the real property of:

(1) A city or state park;

(2) A public or private elementary or secondary school, public vocational school, or private or public college or university;

(3) A designated school bus stop as identified on the route list published by a public school district each year;

~~(3)~~(4) A skating rink, Boys Club, Girls Club, YMCA, YWCA, or community or recreation center;

~~(4)~~(5) A publicly funded and administered multifamily housing



development;

~~(5)~~(6) A drug or alcohol treatment facility;

~~(6)~~(7) A day care center;

~~(7)~~(8) A church; or

~~(8)~~(9) A shelter as defined in § 9-4-102.

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

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

(d)(1) ~~Property~~ Except for property covered by subdivision (a)(3) of this section, property covered by this section shall have a notice posted at the entrances to the property stating:

"THE SALE OF DRUGS UPON OR WITHIN ONE THOUSAND FEET (1000') OF THIS PROPERTY MAY SUBJECT THE SELLER OF THE DRUGS TO AN ADDITIONAL TEN (10) YEARS IMPRISONMENT IN ADDITION TO THE TERM OF IMPRISONMENT OTHERWISE PROVIDED FOR THE UNLAWFUL SALE OF DRUGS."

(2) However, the posting of the notice is not a necessary element for the enhancement of a sentence under this section.

(e) As used in this section, "recreation center" means a public place of entertainment consisting of various types of entertainment, including, but not limited to, billiards or pool, ping pong or table tennis, bowling, video games, pinball machines, or any other similar type of entertainment.