

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

A Bill

HOUSE BILL 1713

4
5 By: Representative Pate
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7

For An Act To Be Entitled

8
9 AN ACT TO INCREASE THE CRIMINAL PENALTIES FOR
10 MANUFACTURING, DELIVERING, OR POSSESSING WITH
11 INTENT TO MANUFACTURE OR DELIVER CONTROLLED
12 SUBSTANCES IN SCHEDULE VI UNDER CERTAIN
13 CIRCUMSTANCES; AND FOR OTHER PURPOSES.
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Subtitle

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16 TO INCREASE THE CRIMINAL PENALTIES FOR
17 MANUFACTURING, DELIVERING, OR POSSESSING
18 WITH INTENT TO MANUFACTURE OR DELIVER
19 CONTROLLED SUBSTANCES IN SCHEDULE VI
20 UNDER CERTAIN CIRCUMSTANCES.
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23 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
24

25 SECTION 1. Arkansas Code § 5-64-401(a), concerning criminal penalties
26 for manufacturing, delivering, or possessing with intent to manufacture or
27 deliver controlled substances, is amended to read as follows:

28 (a) Controlled Substance - Manufacturing, Delivering, or Possessing
29 with Intent to Manufacture or Deliver. Except as authorized by subchapters
30 1-6 of this chapter, it is unlawful for any person to manufacture, deliver,
31 or possess with intent to manufacture or deliver a controlled substance. Any
32 person who violates this subsection with respect to:

33 (1) Schedule I or II Narcotic Drug or Methamphetamine.

34 (A)(i) A controlled substance classified in Schedule I or
35 Schedule II that is a narcotic drug or methamphetamine, and by aggregate
36 weight, including an adulterant or diluent, is less than twenty-eight grams



1 (28 g), is guilty of a felony and shall be imprisoned for not less than ten
2 (10) years nor more than forty (40) years, or life, and shall be fined an
3 amount not exceeding twenty-five thousand dollars (\$25,000).

4 (ii) For any purpose other than disposition, this
5 offense is a Class Y felony.

6 (B)(i) A controlled substance classified in Schedule I or
7 Schedule II that is a narcotic drug or methamphetamine, and by aggregate
8 weight, including an adulterant or diluent, is twenty-eight grams (28 g) or
9 more but less than two hundred grams (200 g), is guilty of a felony and shall
10 be imprisoned for not less than fifteen (15) years nor more than forty (40)
11 years, or life, and shall be fined an amount not exceeding fifty thousand
12 dollars (\$50,000).

13 (ii) For any purpose other than disposition, this
14 offense is a Class Y felony.

15 (C)(i) A controlled substance classified in Schedule I or
16 Schedule II that is a narcotic drug or methamphetamine, and by aggregate
17 weight, including an adulterant or diluent, is two hundred grams (200 g) or
18 more but less than four hundred grams (400 g), is guilty of a felony and
19 shall be imprisoned for not less than twenty (20) years nor more than forty
20 (40) years, or life, and shall be fined an amount not exceeding one hundred
21 thousand dollars (\$100,000).

22 (ii) For any purpose other than disposition, this
23 offense is a Class Y felony.

24 (D)(i) A controlled substance classified in Schedule I or
25 Schedule II that is a narcotic drug or methamphetamine, and by aggregate
26 weight, including an adulterant or diluent, is four hundred grams (400 g) or
27 more, is guilty of a felony and shall be imprisoned for not less than forty
28 (40) years, or life, and shall be fined an amount not exceeding two hundred
29 and fifty thousand dollars (\$250,000).

30 (ii) For any purpose other than disposition, this
31 offense is a Class Y felony;

32 (2) Other Schedule I, II, or III.

33 (A)(i) Any other controlled substance classified in
34 Schedule I, Schedule II, or Schedule III that by aggregate weight, including
35 an adulterant or diluent, is less than twenty-eight grams (28 g), is guilty
36 of a felony and shall be imprisoned for not less than five (5) years nor more

1 than twenty (20) years and shall be fined an amount not to exceed fifteen
 2 thousand dollars (\$15,000).

3 (ii) For any purpose other than disposition, this
 4 offense is a Class B felony.

5 (B)(i) Any other controlled substance classified in
 6 Schedule I, Schedule II, or Schedule III that by aggregate weight, including
 7 an adulterant or diluent, is twenty-eight grams (28 g) or more but less than
 8 four hundred grams (400 g), is guilty of a felony and shall be imprisoned for
 9 not less than ten (10) years nor more than forty (40) years, or life, and
 10 shall be fined an amount not to exceed fifty thousand dollars (\$50,000).

11 (C)(i) Any other controlled substance classified in
 12 Schedule I, Schedule II, or Schedule III that by aggregate weight, including
 13 an adulterant or diluent, is four hundred grams (400 g) or more, is guilty of
 14 a felony and shall be imprisoned for not less than fifteen (15) years nor
 15 more than forty (40) years, or life, and shall be fined an amount not
 16 exceeding one hundred thousand dollars (\$100,000).

17 (ii) For any purpose other than disposition, this
 18 offense is a Class B felony;

19 (3) Schedule IV or V.

20 (A)(i) A substance classified in Schedule IV or Schedule V
 21 that by aggregate weight, including an adulterant or diluent, is less than
 22 two hundred grams (200 g), is guilty of a felony and shall be imprisoned for
 23 not less than three (3) years nor more than ten (10) years and shall be fined
 24 an amount not exceeding ten thousand dollars (\$10,000).

25 (ii) For any purpose other than disposition, this
 26 offense is a Class C felony.

27 (B)(i) A substance classified in Schedule IV or Schedule V
 28 that by aggregate weight, including an adulterant or diluent, is two hundred
 29 grams (200 g) or more but less than four hundred grams (400 g), is guilty of
 30 a felony and shall be imprisoned for not less than ten (10) years nor more
 31 than forty (40) years, or life, and shall be fined an amount not exceeding
 32 fifty thousand dollars (\$50,000).

33 (ii) For any purpose other than disposition, this
 34 offense is a Class C felony.

35 (C)(i) A substance classified in Schedule IV or Schedule V
 36 that by aggregate weight, including an adulterant or diluent, is four hundred

1 grams (400 g) or more, is guilty of a felony and shall be imprisoned for not
 2 less than fifteen (15) years nor more than forty (40) years, or life, and
 3 shall be fined an amount not exceeding one hundred thousand dollars
 4 (\$100,000).

5 (ii) For any purpose other than disposition, this
 6 offense is a Class C felony; and

7 (4) Schedule VI. A controlled substance classified in Schedule
 8 VI is guilty of a felony and shall be:

9 (A)(i) Imprisoned no less than four (4) nor more than ten
 10 (10) years and/or fined no more than twenty-five thousand dollars (\$25,000)
 11 if the quantity of the controlled substance is less than ten pounds (10
 12 lbs.).

13 (ii) For any purpose other than disposition, this
 14 offense is a Class C felony;

15 (B)(i) Imprisoned for no less than five (5) years nor more
 16 than twenty (20) years and/or fined no less than fifteen thousand dollars
 17 (\$15,000) nor more than fifty thousand dollars (\$50,000) if the quantity of
 18 the controlled substance substance is ten pounds (10 lbs.) or more but less
 19 than one hundred pounds (100 lbs.).

20 (ii) For any purpose other than disposition, this
 21 offense is a Class B felony; ~~or~~

22 (C)(i) Imprisoned for no less than six (6) years nor more
 23 than thirty (30) years and/or fined no less than fifteen thousand dollars
 24 (\$15,000) nor more than one hundred thousand dollars (\$100,000) if the
 25 quantity of the controlled substance is one hundred pounds (100 lbs.) or more
 26 but less than five hundred pounds (500 lbs.).

27 (ii) For any purpose other than disposition, this
 28 offense is a Class A felony; or

29 (D)(i) Imprisoned for no less than ten (10) years nor more
 30 than forty (40) years and/or fined no more than two hundred fifty thousand
 31 dollars (\$250,000) if the quantity of the controlled substance is five
 32 hundred pounds (500 lbs.) or more.

33 (ii) For any purpose other than disposition, this
 34 offense is a Class Y felony.

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