

1 State of Arkansas
2 89th General Assembly
3 Regular Session, 2013
4

As Engrossed: S3/21/13

A Bill

SENATE BILL 1123

5 By: Senator J. Hutchinson
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For An Act To Be Entitled

8 AN ACT CONCERNING THE OFFENSE OF ATTEMPTING TO OBTAIN
9 A CONTROLLED SUBSTANCE BY FRAUD; AND FOR OTHER
10 PURPOSES.
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Subtitle

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14 CONCERNING THE OFFENSE OF ATTEMPTING TO
15 OBTAIN A CONTROLLED SUBSTANCE BY FRAUD.
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18 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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20 SECTION 1. Arkansas Code § 5-64-403(b), concerning the offense of
21 controlled substances and fraudulent practices, is amended to read as
22 follows:

23 (b) A person who violates:

24 (1) *Subdivisions (a)(1), (a)(2), (a)(3), or (a)(4) of this*
25 *section upon conviction is guilty of a Class D felony; or*

26 (2) Subdivision (a)(5) of this section with respect to a
27 noncontrolled substance represented to be a controlled substance classified
28 in:

29 (A) Schedule I or Schedule II upon conviction is
30 guilty of a Class C felony;

31 (B) Schedule III, Schedule IV, or Schedule V upon
32 conviction is guilty of a Class D felony; or

33 (C) Schedule VI upon conviction is guilty of a Class
34 *A misdemeanor.*

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36 SECTION 2. *Arkansas Code § 5-64-403, concerning the offense of*



1 *controlled substances and fraudulent practices, is amended to add a new*
2 *subsection to read as follows:*

3 *(c) A second or subsequent offense of attempt to violate subdivisions*
4 *(a)(1), (a)(2), (a)(3), or (a)(4) of this section is a Class D felony.*

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/s/J. Hutchinson