

1 State of Arkansas
2 90th General Assembly
3 Regular Session, 2015
4

A Bill

HOUSE BILL 1760

5 By: Representative Tosh
6

For An Act To Be Entitled

8 AN ACT CONCERNING THE POSSESSION OF A SCHEDULE I,
9 SCHEDULE II, OR SCHEDULE III CONTROLLED SUBSTANCE
10 WHEN THE CONTROLLED SUBSTANCE IS INSIDE A PERSON'S
11 BODY; AND FOR OTHER PURPOSES.
12
13

Subtitle

14 CONCERNING THE POSSESSION OF A SCHEDULE
15 I, SCHEDULE II, OR SCHEDULE III
16 CONTROLLED SUBSTANCE WHEN THE CONTROLLED
17 SUBSTANCE IS INSIDE A PERSON'S BODY.
18
19
20

21 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
22

23 SECTION 1. Arkansas Code § 5-64-419(b)(1)-(b)(3), concerning the
24 offense of possession of a controlled substance, are amended to read as
25 follows:

26 (1) A Schedule I or Schedule II controlled substance that is
27 methamphetamine or cocaine with an aggregate weight, including an adulterant
28 or diluent, of:

29 (A) Less than two grams (2g), or of any amount within his
30 or her body or a bodily fluid, upon conviction is guilty of a Class D felony;

31 (B) Two grams (2g) or more but less than ten grams (10g)
32 upon conviction is guilty of a Class C felony; or

33 (C) Ten grams (10g) or more but less than two hundred
34 grams (200g) upon conviction is guilty of a Class B felony;

35 (2) A Schedule I or Schedule II controlled substance that is not
36 methamphetamine or cocaine with an aggregate weight, including an adulterant



1 or diluent, of:

2 (A) Less than two grams (2g), or of any amount within his
3 or her body or a bodily fluid, upon conviction is guilty of a Class D felony;

4 (B) Two grams (2g) or more but less than twenty-eight
5 grams (28g) upon conviction is guilty of a Class C felony; or

6 (C) Twenty-eight grams (28g) or more but less than two
7 hundred grams (200g) upon conviction is guilty of a Class B felony;

8 (3) A Schedule III controlled substance with an aggregate
9 weight, including an adulterant or diluent, of:

10 (A)(i) Less than two grams (2g), or of any amount within
11 his or her body or a bodily fluid, upon conviction is guilty of a Class A
12 misdemeanor.

13 (ii) However, if the person has four (4) or more
14 prior convictions under this section or the former § 5-64-401(c), upon
15 conviction the person is guilty of a Class D felony for a violation of
16 subdivision (b)(3)(A)(i) of this section;

17 (B) Two grams (2g) or more but less than twenty-eight
18 grams (28g) upon conviction is guilty of a Class D felony;

19 (C) Twenty-eight grams (28g) or more but less than two
20 hundred grams (200g) upon conviction is guilty of a Class C felony; or

21 (D) Two hundred grams (200g) or more but less than four
22 hundred grams (400g) upon conviction is guilty of a Class B felony;

23

24

25

26

27

28

29

30

31

32

33

34

35

36