

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

# A Bill

SENATE BILL 778

5 By: Senator Hester  
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## For An Act To Be Entitled

8 AN ACT CONCERNING THE CRIMINAL OFFENSE OF DELIVERY OF  
9 A SCHEDULE VI CONTROLLED SUBSTANCE; AND FOR OTHER  
10 PURPOSES.  
11

### Subtitle

12 CONCERNING THE CRIMINAL OFFENSE OF  
13 DELIVERY OF A SCHEDULE VI CONTROLLED  
14 SUBSTANCE.  
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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 § 5-64-438(b)(1), concerning delivery of a  
22 Schedule VI controlled substance, is amended to read as follows:

23 (b)(1) A person who delivers fourteen grams (14g) or less by aggregate  
24 weight, including an adulterant or diluent, of a Schedule VI controlled  
25 substance upon conviction is guilty of a ~~Class A misdemeanor~~;

26 (A) Class A misdemeanor; or

27 (B) Class D felony if he or she has four (4) or more prior  
28 convictions for delivery of a controlled substance in any amount under this  
29 subchapter or under the former § 5-64-401.  
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