

Stricken language would be deleted from and underlined language would be added to present law.

State of Arkansas
89th General Assembly
Regular Session, 2013

As Engrossed: S3/21/13
A Bill

SENATE BILL 1123

By: Senator J. Hutchinson

For An Act To Be Entitled

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

Subtitle

CONCERNING THE OFFENSE OF ATTEMPTING TO
OBTAIN A CONTROLLED SUBSTANCE BY FRAUD.

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

SECTION 1. Arkansas Code § 5-64-403(b), concerning the offense of controlled substances and fraudulent practices, is amended to read as follows:

(b) A person who violates:

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

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

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

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

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

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



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

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

/s/J. Hutchinson