

State of Arkansas
90th General Assembly
Regular Session, 2015

A Bill

HOUSE BILL 1760

By: Representative Tosh

For An Act To Be Entitled

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

Subtitle

CONCERNING THE POSSESSION OF A SCHEDULE
I, SCHEDULE II, OR SCHEDULE III
CONTROLLED SUBSTANCE WHEN THE CONTROLLED
SUBSTANCE IS INSIDE A PERSON'S BODY.

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

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

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

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

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

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

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



or diluent, of:

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

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

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

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

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

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

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

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

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