

State of Arkansas  
92nd General Assembly  
Regular Session, 2019

# A Bill

SENATE BILL 661

By: Senator Bond

## For An Act To Be Entitled

AN ACT CONCERNING THE POSSESSION OF MARIJUANA BY A  
FIRST-TIME OFFENDER; CONCERNING THE POSSESSION OF A  
CONTROLLED SUBSTANCE; AND FOR OTHER PURPOSES.

## Subtitle

CONCERNING THE POSSESSION OF MARIJUANA BY  
A FIRST-TIME OFFENDER; AND CONCERNING THE  
POSSESSION OF A CONTROLLED SUBSTANCE.

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

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

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

(A) (i) Less than four ounces (4 oz.) upon conviction is guilty of a Class A misdemeanor.

(ii)(a) However, if the Schedule VI controlled substance is marijuana, and the person does not have a prior conviction under this subchapter, the offense is an unclassified misdemeanor.

(b) The sentence for an unclassified misdemeanor under subdivision (b)(5)(A)(ii)(a) of this section is a fine of not more than one thousand dollars (\$1,000);

(B) One ounce (1 oz.) or more but less than four ounces (4 oz.) and the person has four (4) previous convictions under this section or the former § 5-64-401(c) upon conviction is guilty of a Class D felony;

(C) Four ounces (4 oz.) or more but less than ten pounds



(10 lbs.) upon conviction is guilty of a Class D felony;

(D) Ten pounds (10 lbs.) or more but less than twenty-five pounds (25 lbs.) upon conviction is guilty of a Class C felony;

(E) Twenty-five pounds (25 lbs.) or more but less than one hundred pounds (100 lbs.) upon conviction is guilty of a Class B felony; or

(F) One hundred pounds (100 lbs.) or more but less than five hundred pounds (500 lbs.) upon conviction is guilty of a Class A felony.