

Act 570 of 2011
Public Safety Improvement Act
Summary

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Section	Page #	Code Provision	Title	Summary
1	1	Not Codified	Legislative intent.	To implement comprehensive measures designed to reduce recidivism, hold offenders accountable, and contain correction costs.
2	1	Not Codified	Establishment of a study.	Mandates that the Department of Community Correction conduct a study of the laws and policies pertaining to the collection and distribution of court-ordered restitution, fees and other charges in criminal cases. A report on the findings is due 12/31/2012, to the Judiciary Committees, Administrative Office of the Courts and the Governor.
3	2	5-4-104(d)(2)	Regarding authorized sentences.	Makes stylistic changes to reflect references to code provisions added or repealed by this Act.
4	3	5-4-104(e)(1)(B)	Regarding authorized sentences.	Makes stylistic changes to reflect references to code provisions added or repealed by this Act.
5	3	5-4-105(a)(1)	Regarding expungement and sealing options.	Makes stylistic changes to reflect references to code provisions added or repealed by this Act. (Note: This code provision was repealed by Act 626 of 2001.)
6	3	5-4-301(d)(2)	Regarding the imposition of a sentence.	Makes stylistic changes to reflect references to code provisions added or repealed by this Act.
7	3	5-4-303	Conditions of suspension or probation.	Repeals subsections (d), (f), (h)(2), and (j) concerning revocation hearings pursuant to § 5-4-310 (repealed).
8	7	5-4-304	Confinement as condition of suspension or probation.	Repeals subsections (c) and (e) concerning revocation hearings pursuant to § 5-4-310 (repealed).
9	8	5-4-306	Time period generally.	Repeals subsections (a)(2) and (b).
10	8	5-4-308	Transfer of jurisdiction.	Repeals this code provision.
11	9	5-4-309	Violation of conditions - Arrest, revocation, and sentencing.	Repeals this code provision.
12	10	5-4-310	Revocation hearings.	Repeals this code provision.
13	12	5-4-311	Discharge and dismissal.	Repeals this code provision.

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14	13	Title 5, Chapter 4, Subchapter 3	Suspension or Probation.	Creates two new subsections: 5-4-312. Presentence investigation - Placement in a community corrections program. Courts may require that a presentence investigation be conducted. Results shall be retained by the circuit clerk in the defendant's case file. 5-4-313. Placement in a drug treatment program - Drug court alternative.
15	15	5-4-323(c)	Additional conditions - High school diploma or general education development certificate - Employment training.	Repeals subsection (c) of this code provision.
16	15	5-4-323(d)	Additional conditions - High school diploma or general education development certificate - Employment training. Regarding a good faith effort for education or employment.	Makes stylistic changes to the definition of "good faith effort."
17	15	5-4-323(e)	Additional conditions - High school diploma or general education development certificate - Employment training. Regarding a person's failure to make a good faith effort to comply with a court order.	Makes stylistic changes to this code provision.
18	16	5-4-402(c)	Regarding the imprisonment of felony offenders.	Makes stylistic changes to reflect references to code provisions added or repealed by this Act.
19	16	5-4-501(c)(1)	Regarding the sentencing of habitual offenders.	Makes stylistic changes to reflect references to code provisions added or repealed by this Act.
20	16	5-4-501(d)(1)	Regarding the sentencing of habitual offenders.	Makes stylistic changes to reflect references to code provisions added or repealed by this Act.

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21	16	Title 5, Chapter 4, Subchapter 8	Sentencing Alternative - Community Service Work.	Sets out definitions and procedures for Community Service Work. 5-4-801 - Definitions. 5-4-802 - Rules. 5-4-803 - Procedure. 5-4-804 - Medical treatment and costs. 5-4-805 - Reimbursement for housing eligible offenders.
22	20	5-10-101(c)	Regarding the disposition of the offense of capital murder.	Makes stylistic changes to reflect references to code provisions added or repealed by this Act.
23	20	5-36-103	Theft of property.	Changes the threshold amounts of this offense and other significant changes. For a complete discussion of these changes, please refer to the Theft/Drug Provisions portion of this summary.
24	24	5-36-104(c)	Regarding the threshold for theft of services.	Changes the threshold amounts of this offense. For a complete discussion of these changes, please refer to pages to the Theft/Drug Provisions portion of this summary.
25	25	5-36-106(e)	Regarding the threshold theft amounts for theft by receiving.	Changes the threshold amounts of this offense. For a complete discussion of these changes, please refer to the Theft/Drug Provisions portion of this summary.
26	25	5-36-303	Theft of wireless service.	Changes the threshold amounts of this offense. For a complete discussion of these changes, please refer to the Theft/Drug Provisions portion of this summary.
27	26	5-37-207(b)	Regarding threshold amounts for fraudulent use of a credit card or debit card.	Changes the threshold amounts of this offense. For a complete discussion of these changes, please refer to the Theft/Drug Provisions portion of this summary.
28	27	5-37-305	Penalties - [Hot check offenses].	Changes the threshold amounts of hot check offenses. For a complete discussion of these changes, please refer to the Theft/Drug Provisions portion of this summary.
29	29	5-38-203(b)	Regarding threshold amounts for first - degree criminal mischief.	Changes the threshold amounts of this offense. For a complete discussion of these changes, please refer to the Theft/Drug Provisions portion of this summary.
30	29	5-38-204(b)	Regarding threshold amounts for second-degree criminal mischief.	Changes the threshold amounts of this offense. For a complete discussion of these changes, please refer to the Theft/Drug Provisions portion of this summary.
31	30	5-51-201(d)	Regarding the disposition of the crime of treason.	Makes stylistic changes to reflect references to code provisions added or repealed by this Act.
32	30	5-54-120(d)	Regarding the charge of failure to appear.	Makes stylistic changes to reflect references to code provisions added or repealed by this Act.

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33	30	5-64-401	Criminal penalties - [Controlled substances].	Repeals this code provision. Controlled substance provisions are rewritten in sections 44 - 66 of this Act.
34	36	5-64-402	Controlled Substances: Offenses relating to records, maintaining premises, etc.	Please refer to the Theft/Drug Provisions portion of this summary for a detailed description of changes to this code provision.
35	38	5-64-403	Controlled Substances: Fraudulent Practices.	Please refer to the Theft/Drug Provisions portion of this summary for a detailed description of changes to this code provision.
36	41	5-64-404(d)	Regarding the penalty for use of a communication device.	Makes stylistic changes by adding "upon conviction" to the wording of the code.
37	41	5-64-405	Continuing criminal enterprise.	Makes stylistic changes to reflect references to code provisions added or repealed by this Act.
38	43	5-64-406	Distribution to minors - Enhanced penalties.	Please refer to the Enhancements portion of this summary for a detailed description of changes to this code provision.
39	44	5-64-407(a)	Regarding the manufacture of methamphetamine in the presence of certain persons.	Makes stylistic changes to reflect references to code provisions added or repealed by this Act.
40	44	5-64-408	Subsequent convictions - Enhanced penalties.	Makes stylistic changes to reflect references to code provisions added or repealed by this Act.
41	44	5-64-410	Penalties for delivery - Enhanced penalties.	Repeals this code provision.
42	45	5-64-411	Proximity to certain facilities - Enhanced penalties.	Please refer to the Enhancements portion of this summary for a detailed description of changes to this code provision.
43	46	5-64-413(a)	Regarding probation for first-time drug offenders.	Makes stylistic changes to reflect references to code provisions added or repealed by this Act.
44	46	5-64-419	Possession of a controlled substance.	Please refer to the Theft/Drug Provisions portion of this summary for a detailed description of changes to this code provision.
45	48	5-64-420	Possession of methamphetamine or cocaine with the purpose to deliver.	Please refer to the Theft/Drug Provisions portion of this summary for a detailed description of changes to this code provision.
46	49	5-64-422	Delivery of methamphetamine or cocaine.	Please refer to the Theft/Drug Provisions portion of this summary for a detailed description of changes to this code provision.

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47	50	5-64-423	Manufacture of methamphetamine - Manufacture of cocaine.	Please refer to the Theft/Drug Provisions portion of this summary for a detailed description of changes to this code provision.
48	51	5-64-424	Possession of a Schedule I or Schedule II controlled substance that is not methamphetamine or cocaine with the purpose to deliver.	Please refer to the Theft/Drug Provisions portion of this summary for a detailed description of changes to this code provision.
49	53	5-64-426	Delivery of a Schedule I or Schedule II controlled substance that is not methamphetamine or cocaine.	Please refer to the Theft/Drug Provisions portion of this summary for a detailed description of changes to this code provision.
50	54	5-64-427	Manufacture of a Schedule I or Schedule controlled substance that is not methamphetamine or cocaine.	Please refer to the Theft/Drug Provisions portion of this summary for a detailed description of changes to this code provision.
51	55	5-64-428	Possession of a Schedule III controlled substance with the purpose to deliver.	Please refer to the Theft/Drug Provisions portion of this summary for a detailed description of changes to this code provision.
52	57	5-64-430	Delivery of a Schedule III controlled substance.	Please refer to the Theft/Drug Provisions portion of this summary for a detailed description of changes to this code provision.
53	57	5-64-431	Manufacture of a Schedule III controlled substance.	Please refer to the Theft/Drug Provisions portion of this summary for a detailed description of changes to this code provision.
54	58	5-64-432	Possession of a Schedule IV or Schedule V controlled substance with the purpose to deliver.	Please refer to the Theft/Drug Provisions portion of this summary for a detailed description of changes to this code provision.
55	59	5-64-434	Delivery of a Schedule IV or Schedule V controlled substance.	Please refer to the Theft/Drug Provisions portion of this summary for a detailed description of changes to this code provision.
56	60	5-64-435	Manufacture of a Schedule IV or Schedule V controlled substance.	Please refer to the Theft/Drug Provisions portion of this summary for a detailed description of changes to this code provision.

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57	60	5-64-436	Possession of a Schedule VI controlled substance with the purpose to deliver.	Please refer to the Theft/Drug Provisions portion of this summary for a detailed description of changes to this code provision.
58	61	5-64-438	Delivery of a Schedule VI controlled substance.	Please refer to the Theft/Drug Provisions portion of this summary for a detailed description of changes to this code provision.
59	62	5-64-439	Manufacture of a Schedule VI controlled substance.	Please refer to the Theft/Drug Provisions portion of this summary for a detailed description of changes to this code provision.
60	63	5-64-440	Trafficking a controlled substance.	Please refer to the Theft/Drug Provisions portion of this summary for a detailed description of changes to this code provision.
61	63	5-64-441	Possession of a counterfeit substance.	Please refer to the Theft/Drug Provisions portion of this summary for a detailed description of changes to this code provision.
62	64	5-64-442	Delivery or manufacture of a counterfeit substance.	Please refer to the Theft/Drug Provisions portion of this summary for a detailed description of changes to this code provision.
63	64	5-64-443	Drug paraphernalia.	Please refer to the Theft/Drug Provisions portion of this summary for a detailed description of changes to this code provision.
64	65	5-64-444	Drug paraphernalia - Delivery to a minor.	Please refer to the Theft/Drug Provisions portion of this summary for a detailed description of changes to this code provision.
65	65	5-64-445	Advertisement of a counterfeit substance or drug paraphernalia.	Please refer to the Theft/Drug Provisions portion of this summary for a detailed description of changes to this code provision.
66	66	5-64-446	Civil or criminal liability.	Creates a new subsection regarding civil or criminal liabilities for any practitioner who manufactures, etc., a counterfeit substance for use in the course of professional practice or research and the cost of the cleanup of a site where the person manufactured a controlled substance.
67	66	5-64-505(a)(4)	Regarding certain items subject to forfeiture.	Makes stylistic changes to reflect references to code provisions added or repealed by this Act.
68	67	5-64-505(a)(8)	Regarding certain items subject to forfeiture.	Makes stylistic changes to reflect references to code provisions added or repealed by this Act.
69	68	5-64-1102	Possession with purpose to manufacture - Unlawful distribution.	Please refer to the Theft/Drug Provisions portion of this summary for a detailed description of changes to this code provision.
70	69	5-74-106(a)	Regarding the crime of simultaneous possession of drugs and firearms.	Makes stylistic changes to reflect references to code provisions added or repealed by this Act.

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71	69	9-28-409(e)(1)(T)	Regarding criminal record and child maltreatment checks for the placement of children.	Makes stylistic changes to reflect references to code provisions pertaining to controlled substance offenses added or repealed by this Act.
72	69	12-12-1202	Information provided [Victim notification].	Makes stylistic changes to reflect references to code provisions pertaining to victim notification of transfer hearings added or repealed by this Act.
73	70	12-29-201(b)	Regarding meritorious good time.	Makes stylistic changes to reflect references to code provisions added or repealed by this Act
74	70	12-29-202(e)	Regarding the awarding of meritorious good time.	Makes stylistic changes to reflect references to code provisions added or repealed by this Act.
75	70	12-29-404	Medical parole for a terminal illness or permanent incapacitation.	Changes the title from "Incurable diseases." Replaces current language with expanded definitions and procedures whereby a terminally ill or permanently incapacitated inmate may be paroled to community supervision.
76	71	16-90-120	Felony with firearm.	Makes stylistic changes to reflect references to code provisions repealed or added by this Act.
77	74	16-90-122(b)	Regarding post-conviction release of offenders.	Makes stylistic changes to reflect references to code provisions repealed or added by this Act.
78	74	16-90-802(d)	Regarding powers and duties of the Arkansas Sentencing Commission.	Adds to the duties of the Sentencing Commission. The Commission shall: a) Produce annual reports regarding compliance with sentencing guidelines, including the application of voluntary presumptive standards and departures from the standards. The report shall be on a county-by-county and statewide basis. b) Prepare and conduct annual continuing legal education seminars regarding the sentencing guidelines to be presented to courtroom practitioners. c) Collaborate with the Administrative Office of the Courts to develop and implement an integrated sentencing commitment and departure form.
79	77	16-90-802(g)	Regarding the staffing of the Arkansas Sentencing Commission.	The executive director shall ensure that appropriate budgetary measures are taken to employ enough staff or contract for expert services and to purchase the technology needed to compile and process sentencing data for all judicial districts in a timely manner.
80	77	16-90-901(a)(1)	Regarding definitions in the criminal expungement statute.	Makes stylistic changes to reflect references to code provisions repealed or added by this Act.
81	78	16-90-1201(a)	Regarding criminal record expungement.	Makes stylistic changes to reflect references to code provisions repealed or added by this Act.

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82	78	Title 16, Chapter 90, Subchapter 13	Earned Discharge and Completion of Sentence.	Creates procedures whereby offenders who have been moved to community supervision through parole or transfer by the Parole Board may earn credits that shall count toward completion of their sentence. 16-90-1301. Scope. 16-90-1302. Applicable felonies. 16-90-1303. Procedure. 16-90-1304. Application. 16-90-1305. Notice and effect.
83	81	16-91-110(b)(3)	Regarding bail bonds on appeal.	Makes stylistic changes to reflect references to code provisions repealed or added by this Act.
84	81	16-93-101	Definitions.	Amends "definitions" section of the Arkansas Code pertaining to probation and parole. Adds the following terms: Case plan, criminal risk factors, evidenced-based practices, intermediate sanctions, jacket review, recidivism, risk needs assessment review, and validated risk-needs assessment.
85	83	16-93-104(a)	Regarding the supervision fees for a person on probation or parole.	Raises the monthly parole/probation supervision fees to thirty-five dollars (\$35.00) per month for each offender on probation, parole, or transfer under the supervision of the Department of Community Correction. Twenty-five dollars (\$25.00) of each payment is to be credited to the Community Correction Revolving Fund and ten dollars (\$10.00) is to be credited to the Best Practices Fund to ensure evidence-based programs and supervision practices are available to offenders supervised on probation or parole. The Board of Correction shall promulgate regulations for the accounting and distribution of the Fund. [See section 124 of this Act.]
86	84	16-93-201	Creation - Members - Qualifications and training. [Parole Board]	Adds qualifications and training requirements for persons who serve on the Arkansas Parole Board.
87	86	16-93-206	Parole revocation review - Jurisdiction.	Changes the title from Board procedures. Repeals this code provision in its entirety with the exceptions that the Parole Board shall serve as the revocation review board for any person subject to either parole or transfer from prison and revocation proceedings for either parole or transfer shall follow all legal requirements applicable to parole and shall be subject to any additional policies, rules, and regulations set by the Parole Board.

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88	91	16-93-210	Monthly performance report on parole applications and outcome.	Changes the reporting requirement from annual to monthly beginning October 1, 2011. Adds the Chairpersons of the House and Senate Judiciary Committees, the Board of Corrections and the Governor to the list of recipients of the report. The report shall include the reason for each denial of parole, the results of the risk-needs assessment, and the course of action that accompanies each denial pursuant to § 16-93-615(b)(2)(B)(ii). [See Section 100 of this Act.]
89	91	16-93-211(b)(2)	Regarding transitional housing for inmates.	Makes stylistic changes to reflect references to code provisions repealed or added by this Act.
90	92	Title 16, Chapter 93, Subchapter 3	Probation and Suspended Imposition of Sentence.	<p>Changes the title of this Subchapter from Probation - First Offenders and amends the following code sections:</p> <p>16-93-301. Definitions - "Expungement" means the procedure and effect as defined in § 16-90-901(a).</p> <p>16-93-302. Probation - First time offenders - Penalties. Changes the title of this provision and makes stylistic changes.</p> <p>16-93-303. Probation - First time offenders - Procedure. Changes the title of this provision and makes stylistic changes.</p> <p>16-93-304. Probation - First time offenders - Arkansas Crime Information Center. Changes the title of this provision and makes stylistic changes.</p> <p>16-93-305. Probation - First time offenders - Sex offender may not reside with minor victim. Changes the title of this provision.</p> <p>Adds the following new subsections which set out the general procedures for supervision of offenders placed on probation or given suspended imposition of sentence including procedures for revocation hearings, sentencing alternatives, use of community corrections programs, restitution, etc. The Director of the Department of Community Correction with the advice of the Board of Corrections shall establish written policies and procedures governing the supervision of probationers. These shall be based on evidence-based practices and the development and use of an intermediate sanctions grid and procedures to guide a probation officer in determining the appropriate response to a violation of conditions of supervision.</p> <p>16-93-306 Probation generally - Supervision.</p> <p>16-93-307. Probation generally - Revocation hearings.</p> <p>16-93-308. Probation generally - Revocation.</p> <p>16-93-309. Probation generally - Revocation hearing - Sentence alternatives.</p> <p>16-93-310. Probation generally - Revocation - Community correction program.</p> <p>16-93-311. Probation generally - Restitution.</p>
91	103	16-93-402	Probation officers.	Repeals this code provision.

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92	104	16-93-605	Felonies committed on or after April 1, 1983 - Purpose and construction of sections.	Repeals this code provision.
93	105	16-93-606	Parole eligibility - Felonies committed on or after April 1, 1983, but before January 1, 1994 - Classification of inmates.	Changes the title from Felonies committed on or after April 1, 1983 - Classification of inmates.
94	106	16-93-607	Parole eligibility - Felonies committed on or after April 1, 1983, but before January 1, 1994.	Changes the title from Felonies committed on or after April 1, 1983 - Parole eligibility.
95	108	16-93-608	Parole eligibility - Class C or Class D felonies committed on or after April 1, 1983, but before January 1, 1994.	Changes the title from Class C or Class D felonies committed on or after April 1, 1983.
96	108	16-93-611	Class Y felonies.	70% parole eligibility code provision. Repeals this code provision. This provision is rewritten in Section 103 of this Act.
97	110	16-93-612	Parole eligibility - Date of offense.	A person's parole eligibility shall be determined by the laws in effect at the time of the offense for which he or she is sentenced to the Department of Corrections. Lists applicable dates for various parole provisions.
98	111	16-93-613	Parole eligibility - Class Y, Class A, or Class B felonies.	Defines parole eligibility for offenders who have been sentenced to life, life without parole, and consecutive sentences.
99	111	16-93-614	Parole eligibility - Offense committed after January 1, 1994.	Defines parole eligibility requirements for offenses committed after 1/1/1994 (post guidelines).
100	114	16-93-615	Parole eligibility procedures - Offenses committed after January 1, 1994.	Defines parole procedures for offenses committed after 1/1/1994 (post guidelines).
101	119	16-93-616	Parole eligibility procedures - Offenses committed after January 1, 1994 - Computation of sentence.	Sets out the provisions by which the time served on a sentence is to be calculated.

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102	120	16-93-617	Parole eligibility procedures - Offenses committed after January 1, 1994 - Revocation of transfer.	Sets out procedures for the revocation of an offender's parole or transfer.
103	121	16-93-618	Parole eligibility - Certain Class Y felony offenses and certain methamphetamine offenses - Seventy percent crimes.	Rewrites the 70% parole eligibility for certain offenses. Adds new code provision reference for manufacturing methamphetamine § 5-64-423(a). Adds the offense of trafficking methamphetamine, § 5-64-440(b)(1). Applies to only those charges of Possession of drug paraphernalia with the purpose to manufacture methamphetamine which fall under the former § 5-64-403(c)(5).
104	123	Title 16, Chapter 93, Subchapter 7	Parole - Grant or Revocation Generally.	<p>Changes the title of this Subchapter to: Parole. Changes the title of the various subsections. Makes changes to parole procedures. Unless otherwise noted, changes are stylistic.</p> <p>16-93-701. Authority to grant and parameters. For all parole decisions after January 1, 2012, the board shall conduct a risk-needs assessment review of all parole applicants.</p> <p>16-93-702. Procedures - Required recommendations.</p> <p>16-93-703. Procedures - Place of hearings.</p> <p>16-93-704. Procedures - Notice to law enforcement personnel and committing court.</p> <p>16-93-705. Revocation - Procedures and hearings generally. Subsection (b)(6) states that the hearing examiner may return the offender to parole supervision rather than to the custody of the Department of Correction and may impose additional supervision conditions in response to the violating conduct.</p> <p>16-93-706. Revocation - Subpoena of witnesses and documents.</p> <p>16-93-708. Parole alternative - Home detention. Updates procedures whereby permanently incapacitated or terminally ill inmates may be placed on home detention.</p> <p>16-93-709. Sex offender may not reside with minors.</p> <p>16-93-710. Parole for inmates who have served their term of imprisonment in a county jail prior to being processed into the Department of Correction. Sets out procedures whereby certain inmates may be paroled from county jail backup.</p> <p>16-93-711. Parole alternatives - Electronic monitoring of parolees. Sets up procedures whereby certain inmates may be placed on electronic monitoring after serving 120 days of his or her sentence.</p> <p>16-93-712. Parole supervision. Mandates that the Parole Board establish written policies and procedures governing the supervision of parolees. These policies shall be based on evidence-based practices including a validated risk-needs assessment.</p>

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105	135	Title 16, Chapter 93, Subchapter 10.	Community Service Work - Acts 1989, No. 957.	Repeals Subchapter 10, including the following subsections: 16-93-1001. Purpose. 16-93-1002. Definitions. 16-93-1003. Provisions supplemental. 16-93-1004. Procedure - Medical and legal costs.
106	138	Title 16, Chapter 93, Subchapter 11	Community Service Work - Acts 1989, No. 613.	Repeals Subchapter 11, including the following subsections: 16-93-1101. Definitions. 16-93-1102. Procedure generally. 16-93-1103. Rules and regulations. 16-93-1104. Immunity from liability. 16-93-1105. Sentence optional.
107	141	16-93-1206	Sentencing alternative.	Repeals this code provision.
108	142	Title 16, Chapter 93, Subchapter 13	Criteria for Transfer to Community Punishment Programs.	Repeals Subchapter 13, including the following subsections: 16-93-1301. Transfer provisions. 16-93-1302. Transfer procedures. 16-93-1303. Computation of sentence. 16-93-1304. Revocation of transfer.
109	148	Title 16, Chapter 93, Subchapter 15	Parole - Sentence Served in County Jail.	Repeals Subchapter 15, including these subsections: 16-93-1501. Parole for inmates who have served their term of imprisonment in a county jail prior to being processed into the Department of Correction. 16-93-1502. Program eligibility.
110	148	Title 16, Chapter 93 Subchapter 17	Swift and Certain Accountability on Probation Pilot Program.	Sets up provisions for a five-district pilot project to establish probation programs to be administered by the DCC designed to reduce recidivism by requiring swift, certain, and graduated sanctions for probationers in noncompliance. 16-93-1701. Establishment. 16-93-1702. Application. 16-93-1703. Grant uses. 16-93-1704. Determination of program savings.
111	152	16-98-301	Short title and definitions.	"Arkansas Drug Court Act." Adds evidence-based practices, validated risk-needs assessment, and violent felony offense to the definitions section.
112	153	16-98-302	Purpose and intent.	Adds language referring to the use of a validated risk-needs assessment to the placement criteria for drug courts. (d) Drug court program success shall be determined by the rate of recidivism of all drug court participants, including participants who do not graduate.

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113	154	16-98-303(b)(2)	Regarding what services the drug court program will incorporate from other state agencies.	Adds subsection (E). Subject to an appropriation, funding, etc., DCC shall develop clinical assessment capacity, including drug testing, to identify participants with a substance addiction and develop a treatment protocol that improves the person's likelihood of success.
114	155	16-98-303(b)(4)	Regarding what services the Administrative Office of the Courts will provide to the drug court program.	Adds subsection (E). Subject to an appropriation, funding, etc., AOC shall develop criteria for determining new drug court locations that take into account the current size of the defendant population, trends indicating an increase in that population, existing treatment programs in place and operating through the courts, and the program's use of evidence-based practices.
115	155	16-98-303(c) (1)	Regarding who is not eligible for drug court.	Makes stylistic changes.
116	156	16-98-306(a)	Regarding the collection of data for drug court programs.	Adds subsection (2) to include specific types of data to be collected for reporting on drug courts.
117	157	Title 16, Chapter 99	Performance Incentive Funding for Recidivism and Crime Reduction.	Performance Incentive Act of 2011. Creates an incentive program that will reward state and local agencies that implement criminal justice practices resulting in outcomes that reduce commitments to the Department of Correction. 16-99-101. Purpose and intent. 16-99-102. Program authorized - Administration. 16-99-103. Application. 16-99-104. Implementation. 16-99-105. Reporting and data collection.
118	162	16-118-108(a)	Regarding those items defined as drug paraphernalia.	Makes stylistic changes to reflect references to code provisions repealed or added by this Act.
119	162	17-17-312(f)(28)	Regarding criminal background checks for auctioneers.	Makes stylistic changes to reflect references to code provisions repealed or added by this Act.
120	162	17-27-313(e)(28)	Regarding criminal background checks for counselors.	Makes stylistic changes to reflect references to code provisions repealed or added by this Act.
121	162	17-87-312(e)(28)	Regarding criminal background checks for nurses.	Makes stylistic changes to reflect references to code provisions repealed or added by this Act.

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122	162	17-97-312(f)(28)	Regarding criminal background checks for psychologists and psychological examiners.	Makes stylistic changes to reflect references to code provisions repealed or added by this Act.
123	162	17-103-307(f)(28)	Regarding criminal background checks for social workers.	Makes stylistic changes to reflect references to code provisions repealed or added by this Act.
124	163	19-5-1139	Best Practices Fund.	Establishes the "Best Practices Fund" on the books of the Treasurer of State. The fund may consist of the proceeds from the payment of parole or probation supervision fees under § 16-93-104(a) and shall be used to establish and maintain programs and services that implement practices that are proven to reduce the risk of having repeat offenders or recidivism, including programs that address the treatment needs of offenders.
125	163	20-13-1106(b)(28)	Regarding criminal background checks for emergency medical personnel.	Makes stylistic changes to reflect references to code provisions repealed or added by this Act.
126	163	21-15-102(f)(28)	Regarding criminal background checks for public officers and employees who have direct contact with children and the mentally ill.	Makes stylistic changes to reflect references to code provisions repealed or added by this Act.
127	164	21-15-103(g)(28)	Regarding criminal background checks for public officers and employees.	Makes stylistic changes to reflect references to code provisions repealed or added by this Act.
128	164	27-23-112(b)(7)	Regarding disqualification and cancellation for commercial driver's licenses.	Makes stylistic changes to reflect references to code provisions repealed or added by this Act.
129	164	27-23-128	Deferment of sentence - Restrictions.	Makes stylistic changes to reflect references to code provisions repealed or added by this Act.

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SECTION	STATUTE	TITLE	FELONY CLASS	FURTHER EXPLANATION
23	5-36-103 (b) (1) (A)	<u>Theft of Property.</u> (b) Theft of property is a: (1) Class B felony if: (A) the value of property is twenty-five thousand dollars (\$25,000) or more. (See p.20)	B	Previously, the B felony was for property valued at \$2,500 or more.
23	5-36-103 (b) (2) (A)	<u>Theft of Property.</u> (b) Theft of property is a: (2) Class C felony if: (A) the value of property is less than twenty-five thousand dollars (\$25,000) but more than five thousand dollars (\$5,000). (See p.21)	C	Previously, the C felony was for property valued at \$500-\$2,500.
23	5-36-103 (b) (2) (C)	<u>Theft of Property.</u> (b) Theft of property is a: (2) Class C felony if: (C) the property is a firearm valued at two thousand five hundred dollars (\$2,500) or more. (See p.21)	C	Previously, the C felony was for a firearm valued at \$2,500 or less.
23	5-36-103 (b) (2) (D)	<u>Theft of Property.</u> (b) Theft of property is a: (2) Class C felony if: (D)(i) the property is building material obtained from a permitted construction site and the value of the building material is five hundred dollars (\$500) or more. (ii) As used in subdivision (b)(2)(D)(i) of this section: (a) "building material" means lumber, a construction tool, a window, a door, copper tubing or wire, or any other material or good used in the construction or rebuilding of a building or a structure; and (b) "permitted construction site" means the site of construction, alteration, painting, or repair of a building or a structure for which a building permit has been issued by a city of the first class, a city of the second class, an incorporated town, or a county. (See p.22)	C	Previously, this offense was classified as a B felony. This section was moved (verbatim) from the B felony section to the C felony section.

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SECTION	STATUTE	TITLE	FELONY CLASS	FURTHER EXPLANATION
23	5-36-103 (b) (2) (E)	<u>Theft of Property.</u> (b) Theft of property is a: (2) Class C felony if: (E) the value of the property is five hundred dollars (\$500) or more and the theft occurred in an area declared to be under a state of emergency pursuant to proclamation by the President of the United States, the Governor, or the executive officer of a city or county. (See p.22)	C	Previously, this offense was classified as a B felony. This section was moved (verbatim) from the B felony section to the C felony section.
23	5-36-103 (b) (3) (A)	<u>Theft of Property.</u> (b) Theft of property is a: (3) Class D felony if: (A) The value of the property is five thousand dollars (\$5,000) or less but more than one thousand dollars (\$1,000). (See p.22)	D	Previously, the D felony was for property valued at \$500 or less.
23	5-36-103 (b) (3) (B)	<u>Theft of Property.</u> (b) Theft of property is a: (3) Class D felony if: (B) The property is a firearm valued at less than two thousand five hundred dollars (\$2,500). (See p.22)	D	Previously, this offense was classified as a C felony and was for a firearm valued at \$2,500 or less.
23	5-36-103 (b) (3) (C)	<u>Theft of Property.</u> (b) Theft of property is a: (3) Class D felony if: (C) The property is a: (i) Credit card or credit card account number; or (ii) Debit card or debit card account number. (See p.22)	D	Previously, this offense was classified as a C felony. This section was moved (verbatim) from the C felony section to the D felony section.

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SECTION	STATUTE	TITLE	FELONY CLASS	FURTHER EXPLANATION
23	5-36-103 (b) (3) (D)	<u>Theft of Property.</u> (b) Theft of property is a: (3) Class D felony if: (D) The value of the property is at least one hundred dollars (\$100) or more but less than five hundred dollars (\$500) and the theft occurred in an area declared to be under a state of emergency pursuant to proclamation by the President of the United States, the Governor, or the executive officer of a city or county. (See p.22)	D	Previously, this offense was classified as a C felony. This section was moved (verbatim) from the C felony section to the D felony section.
23	5-36-103 (b) (3) (E)	<u>Theft of Property.</u> (b) Theft of property is a: (3) Class D felony if: (E) The property is livestock and the value of the livestock is in excess of two hundred dollars (\$200). (See p.23)	D	Previously, this offense was classified as a C felony. This section was moved (verbatim) from the C felony section to the D felony section.
24	5-36-104 (c) (1) (A)	<u>Theft of Services.</u> (c) Theft of services is a: (1) Class B felony if: (A) The value of the service is twenty-five thousand dollars (\$25,000) or more. (See p.24)	B	Previously, the B felony was for services valued at \$2,500 or more.
24	5-36-104 (c) (2) (A)	<u>Theft of Services.</u> (c) Theft of services is a: (2) Class C felony if: (A) The value of the service is less than twenty-five thousand dollars (\$25,000) but more than five thousand dollars (\$5,000). (See p.24)	C	Previously, the C felony was for services valued at \$500-\$2,500.
24	5-36-104 (c) (3)	<u>Theft of Services.</u> (c) Theft of services is a: (3) Class D felony if the value of the service is five thousand dollars (\$5,000) or less but more than one thousand dollars (\$1,000). (See p.24)	D	Previously, theft of services valued at less than \$500 was an A misdemeanor.

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SECTION	STATUTE	TITLE	FELONY CLASS	FURTHER EXPLANATION
25	5-36-106 (e) (1)	<u>Theft by Receiving.</u> (e) Theft by receiving is a: (1) Class B felony if the value of the property is twenty-five thousand dollars (\$25,000) or more. (See p.25)	B	Previously, the B felony was for property valued at \$2,500 or more.
25	5-36-106 (e) (2)	<u>Theft by Receiving.</u> (e) Theft by receiving is a: (2) Class C felony if the value of the property is less than twenty-five thousand dollars (\$25,000) but more than five thousand dollars (\$5,000). (See p.25)	C	Previously, the C felony was for property valued at \$500-\$2,500.
25	5-36-106 (e) (3) (A)	<u>Theft by Receiving.</u> (e) Theft by receiving is a: (3) Class D felony if: (A) the value of the property is five thousand dollars (\$5,000) or less but more than one thousand dollars (\$1,000). (See p.25)	D	Previously, there was no D felony under this section. Previously and currently, theft by receiving is an A misdemeanor if otherwise committed.
25	5-36-106 (e) (3) (B)	<u>Theft by Receiving.</u> (e) Theft by receiving is a: (3) Class D felony if: (B) The property is a: (i) Credit card or credit card account number; or (ii) Debit card or debit card account number. (See p.25)	D	Previously, this offense was classified as a C felony.
26	5-36-303 (b) (2) (A)	<u>Theft of Wireless Services.</u> (b) Theft of wireless services is a: (2) Class D felony if the: (A) Aggregate value of wireless service obtained is five thousand dollars (\$5,000) or less but more than one thousand dollars (\$1,000). (See p.25)	D	Previously, this offense was classified as a C felony, and was for wireless services valued at \$500-\$2,500.

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SECTION	STATUTE	TITLE	FELONY CLASS	FURTHER EXPLANATION
26	5-36-303 (b) (2) (B)	<u>Theft of Wireless Services.</u> (b) Theft of wireless services is a: (2) Class D felony if the: (B) Stolen wireless service is used to communicate a threat of damage or injury by bombing, fire, or other means, in a manner likely to: (i) Place another person in reasonable apprehension of physical injury to himself or herself or another person or of damage to his or her property or to the property of another person; or (ii) Create a public alarm. (See p.25)	D	Previously, this offense was classified as a C felony. This section was moved (verbatim) from the C felony section to the D felony section.
26	5-36-303 (b)(3)(A)	<u>Theft of Wireless Services.</u> (b) Theft of wireless services is a: (3) Class C felony if the: (A) Aggregate value of wireless service is more than five thousand dollars (\$5,000) but less than twenty-five thousand dollars (\$25,000). (See p.26)	C	Previously, this offense was classified as a B felony, and was for wireless service valued at \$2,500 or more.
26	5-36-303 (b)(3)(B)	<u>Theft of Wireless Services.</u> (b) Theft of wireless services is a: (3) Class C felony if the: (B) Conviction is for a second or subsequent offense. (See p.26)	C	Previously, this offense was classified as a B felony. This section was moved (verbatim) from the B felony section to the C felony section.
26	5-36-303 (b)(3)(C)	<u>Theft of Wireless Services.</u> (b) Theft of wireless services is a: (3) Class C felony if the: (C) Person convicted of the offense has been previously convicted of any similar crime in this or any other state or federal jurisdiction. (See p.26)	C	Previously, this offense was classified as a B felony. This section was moved (verbatim) from the B felony section to the C felony section.
26	5-36-303 (b)(4)	<u>Theft of Wireless Services.</u> (b) Theft of wireless services is a: (4) Class B felony if the aggregate value of the wireless service is twenty-five thousand dollars (\$25,000) or more. (See p.26)	B	Previously, the B felony was for wireless service valued at \$2,500 or more.

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SECTION	STATUTE	TITLE	FELONY CLASS	FURTHER EXPLANATION
27	5-37-207 (b)(1)	<u>Fraudulent Use of a Credit Card or Debit Card.</u> (b) Fraudulent use of a credit card or debit card is a: (1) Class B felony if the value of all moneys, goods, or services obtained during any six-month period is twenty-five thousand dollars (\$25,000) or more. (See p.26)	B	Previously, there was no B felony under this section. There was a C felony for fraudulent use of a credit/debit card if the value of all moneys, goods, or services obtained in a six month period exceeded \$100.
27	5-37-207 (b)(2)	<u>Fraudulent Use of a Credit Card or Debit Card.</u> (b) Fraudulent use of a credit card or debit card is a: (2) Class C felony if the value of all moneys, goods, or services obtained during any six-month period is less than twenty-five thousand dollars (\$25,000) but more than five thousand dollars (\$5,000). (See p.26)	C	Previously, the C felony was for fraudulent use of a credit/debit card if the value of all moneys, goods, or services obtained in a six month period exceeded \$100.
27	5-37-207 (b)(3)	<u>Fraudulent Use of a Credit Card or Debit Card.</u> (b) Fraudulent use of a credit card or debit card is a: (3) Class D felony if the value of all moneys, goods, or services obtained during any six-month period is five thousand dollars (\$5,000) or less but more than one thousand dollars (\$1,000). (See p.26)	D	Previously, there was no D felony under this section. There was a C felony for fraudulent use of a credit/debit card if the value of all moneys, goods, or services obtained in a six month period exceeded \$100. Currently, there is an A misdemeanor for money/good/services valued at less than \$1,000.
28	5-37-305 (b)(1)(A)	<u>Penalties (Arkansas Hot Check Law).</u> (b)(1) Making, uttering, or delivering one (1) or more instruments or transactions drawn on insufficient funds or drawn on a nonexistent account is a Class B felony if: (A) the amount of any one (1) instrument or transaction is twenty-five thousand dollars (\$25,000) or more. (See p.27)	B	Previously, the B felony was for any one instrument or transaction in the amount of \$2,500 or more.

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SECTION	STATUTE	TITLE	FELONY CLASS	FURTHER EXPLANATION
28	5-37-305 (b)(1)(B)	<u>Penalties (Arkansas Hot Check Law).</u> (b)(1) Making, uttering, or delivering one (1) or more instruments or transactions drawn on insufficient funds or drawn on a nonexistent account is a Class B felony if: (B) More than one (1) instrument or transaction has been drawn within a ninety-day period, each instrument or transaction is in an amount less than twenty-five thousand dollars (\$25,000), and the total amount of all such instruments or transactions is twenty-five thousand dollars (\$25,000) or more. (See p.27)	B	Previously, the B felony was for more than one instrument or transaction (each in an amount of less than \$2,500) totaling \$2,500 or more.
28	5-37-305 (b)(2)(A)	<u>Penalties (Arkansas Hot Check Law).</u> (b)(2) Making, uttering, or delivering one (1) or more instruments or transactions drawn on insufficient funds or drawn on nonexistent accounts is a Class C felony if: (A) the amount of any one (1) instrument or transaction is twenty-five thousand dollars (\$25,000) but more than five thousand dollars (\$5,000). (See p.28)	C	Previously, the C felony was for any one instrument or transaction in the amount of \$500-\$2,500.
28	5-37-305 (b)(2)(B)	<u>Penalties (Arkansas Hot Check Law).</u> (b)(2) Making, uttering, or delivering one (1) or more instruments or transactions drawn on insufficient funds or drawn on nonexistent accounts is a Class C felony if: (B) More than one (1) instrument or transaction has been drawn within a ninety-day period, each instrument or transaction is in an amount less than twenty-five thousand dollars (\$25,000) but more than five thousand dollars (\$5,000), and the total amount of all such instruments or transactions is less than twenty-five thousand dollars (\$25,000) but more than five thousand dollars (\$5,000). (See p.28)	C	Previously, the C felony was for more than one instrument or transaction (each in an amount of less than \$500) totaling between \$500-\$2,500.

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SECTION	STATUTE	TITLE	FELONY CLASS	FURTHER EXPLANATION
28	5-37-305 (b)(3)(A)	<u>Penalties (Arkansas Hot Check Law).</u> (b)(3) Making, uttering, or delivering one (1) or more instruments or transactions drawn on insufficient funds or drawn on nonexistent accounts is a Class D felony if: (A) the amount of any one (1) instrument or transaction is five thousand dollars (\$5,000) or less but more than one thousand dollars (\$1,000). (See p.28)	D	Previously, there was no D felony under this section.
28	5-37-305 (b)(3)(B)	<u>Penalties (Arkansas Hot Check Law).</u> (b)(3) Making, uttering, or delivering one (1) or more instruments or transactions drawn on insufficient funds or drawn on nonexistent accounts is a Class D felony if: (B) More than one (1) instrument or transaction has been drawn within a ninety-day period, each instrument or transaction is in an amount of five thousand dollars (\$5,000) or less but more than one thousand dollars (\$1,000), and the total amount of all such instruments or transactions is five thousand dollars (\$5,000) or less but more than one thousand dollars (\$1,000). (See p.28)	D	Previously, there was no D felony under this section.
29	5-38-203 (b)(2)	<u>Criminal Mischief in the First Degree.</u> (b) Criminal mischief in the first degree is a: (2) Class D felony if the amount of actual damage is more than one thousand dollars (\$1,000) but five thousand dollars (\$5,000) or less. (See p. 29)	D	Previously, this offense was classified as a C felony, and was for actual damage of \$500 or more.
29	5-38-203 (b)(3)	<u>Criminal Mischief in the First Degree.</u> (b) Criminal mischief in the first degree is a: (3) Class C felony if the amount of actual damage is more than five thousand dollars (\$5,000) but less than twenty-five thousand dollars (\$25,000). (See p.29)	C	Previously, the C felony was for actual damage of \$500 or more.

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SECTION	STATUTE	TITLE	FELONY CLASS	FURTHER EXPLANATION
29	5-38-203 (b)(4)	<u>Criminal Mischief in the First Degree.</u> (b) Criminal mischief in the first degree is a: (4) Class B felony if the amount of actual damage is twenty-five thousand dollars (\$25,000) or more. (See p.29)	B	Previously, there was no B felony under this section.
30	5-38-204 (b)(2)	<u>Criminal Mischief in the Second Degree.</u> (b) Criminal mischief in the second degree is a: (2) Class D felony if the amount of actual damage is five thousand dollars (\$5,000) or more. (See p.29)	D	Previously, the D felony was for actual damage of \$2,500 or more.
34	5-64-402 (a) & (b)(1)	<u>Controlled Substances - Offenses relating to records, maintaining premises, etc.</u> (a) It is unlawful for a person to: (1) refuse entry into premises for any inspection authorized by this chapter or (2) knowingly to keep or maintain any store, shop, warehouse, dwelling, building, or other structure or place or premise that is resorted to by a person for the purpose of using or obtaining a controlled substance in violation of this chapter that is used for keeping a controlled substance in violation of this chapter. (b) Violation is a Class C felony. (See p.36)	C	Previously, this offense was classified as a D felony.
34	5-64-402 (b)(2) & (c)	<u>Controlled Substances - Offenses relating to records, maintaining premises, etc. - Drug free zone.</u> • (c) Amends the list of certified drug free zones to add: publicly funded & administered multifamily housing development, drug or alcohol treatment facility, day care center, church, and shelter. • (b)(2) If the violation is committed on or within 1,000 feet of a certified drug free zone, person is guilty of a Class B felony. (See p. 37)	B	

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SECTION	STATUTE	TITLE	FELONY CLASS	FURTHER EXPLANATION
35	5-64-403 (a)(1) - (a)(4) & (b)(1)	<u>Controlled substances – Fraudulent practices.</u> (a) It is unlawful for a person to knowingly: (1) distribute as a practitioner a Schedule I or II controlled substance except under an order form; (2) acquire or obtain possession of a controlled substance by misrepresentation, fraud, forgery, deception, subterfuge, or theft; (3) furnish false or fraudulent material information in or omit material information from any record, application, report, or other document required to be kept or filed under this chapter; (4) make, distribute or possess any punch, die, plate, stone or other thing designed to print, imprint, or reproduce the trademark, trade name or other identifying mark, imprint or device of another person or any likeness of any trademark, etc., upon any drug or container or labeling of a drug or container so as to render the drug a counterfeit substance. (b) (1) Violation of (a)(1) – (a)(4) is a Class D felony. (See p.40)	D	Previously, this offense was classified as a C felony.
35	5-64-403 (a)(5)(A) & (b)(2)(A)	<u>Controlled substances – Fraudulent practices.</u> (a) It is unlawful for a person to knowingly: (5) (A) agree, consent, or in any manner offer to unlawfully sell, furnish, transport, administer, or give any controlled substance to any person or arrange for any action described in this subdivision and then to substitute a noncontrolled substance in lieu of the controlled substance bargained for. (b)(2)(A) Violation of (a)(5) is a Class C felony if the noncontrolled substance is represented to be a controlled substance classified in Schedule I or II. (See p.41)	C	Previously, whether the offense was classified as a B or C felony depended on whether or not the substance was represented as a narcotic drug. The offense was classified as a B felony if the substance was represented to be a narcotic drug. The offense was classified as a C felony if the substance was represented to be any other Schedule I or II substance.

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SECTION	STATUTE	TITLE	FELONY CLASS	FURTHER EXPLANATION
35	5-64-403 (a)(5)(A) & (b)(2)(B)	<u>Controlled substances – Fraudulent practices.</u> (a) It is unlawful for a person to knowingly: (5) (A) agree, consent, or in any manner offer to unlawfully sell, furnish, transport, administer, or give any controlled substance to any person or arrange for any action described in this subdivision and then to substitute a noncontrolled substance in lieu of the controlled substance bargained for. (b)(2)(B) Violation of (a)(5) is a Class D felony if the noncontrolled substance is represented to be a controlled substance classified in Schedule III, Schedule IV, or Schedule V. (See p.41)	D	Previously, this offense was classified as a C felony if the substance was represented to be a controlled substance classified in Schedule I, II, III, IV, or V.
44	5-64-419 (b)(1)(A)	<u>Possession of a controlled substance.</u> (b)(1) Possession of Schedule I or II controlled substance that is methamphetamine or cocaine. (A) less than 2 g = D felony. (See p. 47)	D	Previously, simple possession of less than 1 g of cocaine or 200 mg (2 g) of methamphetamine was classified as a C felony. Anything higher amount would create a rebuttable presumption of possession plus intent.
44	5-64-419 (b)(1)(B)	<u>Possession of a controlled substance.</u> (b)(1) Possession of Schedule I or II controlled substance that is methamphetamine or cocaine. (B) Possession of 2 g or more but less than 10 g = C felony. (See p. 47)	C	Previously, this offense was classified as a Y felony, and was for possession plus intent of more than 1g of cocaine or 2g of methamphetamine but 28 g or less (of either). [5-64-401(a)(1)].
44	5-64-419 (b)(1)(C)	<u>Possession of a controlled substance.</u> (b)(1) Possession of Schedule I or II controlled substance that is methamphetamine or cocaine. (C) Possession of 10 g or more but less than 200 g = B felony. (See p. 47)	B	Previously, this offense was classified as a Y felony, and was for possession plus intent of 28 g or more but less than 200 g. [5-64-401(a)(1)].

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SECTION	STATUTE	TITLE	FELONY CLASS	FURTHER EXPLANATION
44	5-64-419 (b)(2)(A)	<u>Possession of a controlled substance.</u> (b)(2) Possession of Schedule I or II controlled substance that is <u>not</u> methamphetamine or cocaine. (A) Possession of less than 2 g = D felony. (See p.47)	D	Previously, simple possession of a Schedule I or II controlled substance was classified as a C felony. Any higher amount would create a rebuttable presumption of possession plus intent.
44	5-64-419 (b)(2)(B)	<u>Possession of a Controlled Substance.</u> (b)(2) Possession of Schedule I or II controlled substance that is <u>not</u> methamphetamine or cocaine. (B) Possession of 2 g or more but less than 28 g = C felony. (See p.47)	C	Previously, this offense was classified as a B felony, and was for possession plus intent of less than 28 g. [5-64-401(a)(2)].
44	5-64-419 (b)(2)(C)	<u>Possession of a Controlled Substance.</u> (b)(2) Possession of Schedule I or II controlled substance that is <u>not</u> methamphetamine or cocaine. (C) Possession of 28 g or more but less than 200 g = B felony. (See p.47)	B	Previously, this offense was classified as a B felony, and was for possession plus intent of 28 g or more but less than 400 g. [5-64-401(a)(2)].
44	5-64-419 (b)(3)(B)	<u>Possession of a controlled substance.</u> (b)(3) Possession of a Schedule III controlled substance. (b)(3)(B) Possession of 2 g or more but less than 28 g = D felony. (See p.47)	D	Previously, simple possession of a Schedule III controlled substance was classified as follows: an A misdemeanor for a first offense; a D felony for a second offense; a C felony for third or subsequent offense. Possession plus intent of less than 28g = D felony.
44	5-64-419 (b)(3)(C)	<u>Possession of a controlled substance.</u> (b)(3) Possession of a Schedule III controlled substance. (C) Possession of 28 g or more but less than 200 g = C felony. (See p.47)	C	Previously, this offense was classified as a B felony, and was for possession plus intent of 28 g or more but less than 400 g. [5-64-401(a)(2)].
44	5-64-419 (b)(3)(D)	<u>Possession of a controlled substance.</u> (b)(3) Possession of a Schedule III controlled substance. (D) Possession of 200 g or more but less than 400 g = B felony. (See p.47)	B	Previously, this offense was classified as a B felony, and was for possession plus intent of 28 g or more but less than 400 g. [5-64-401(a)(2)].

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44	5-64-419 (b)(4)(B)	<u>Possession of a controlled substance.</u> (b)(4) Possession of a Schedule IV or V controlled substance. (B) Possession of 28 g or more but less than 200 g = D felony. (See p.48)	D	Previously, simple possession of a Schedule IV or V controlled substance was classified as follows: an A misdemeanor for a first offense; a D felony for a second offense; a C felony for third or subsequent offense. Possession plus intent of less than 200 g = C felony.
44	5-64-419 (b)(4)(C)	<u>Possession of a controlled substance.</u> (b)(4) Possession of a Schedule IV or V controlled substance. (C) Possession of 200 g or more but less than 400 g = C felony. (See p.48)	C	Previously, this offense was classified as a C felony, and was for possession plus intent of 200 g or more but less than 400 g. [5-64-401(a)(3)].
44	5-64-419 (b)(4)(D)	<u>Possession of a controlled substance.</u> (b)(4) Possession of a Schedule IV or V controlled substance. (D) Possession of 400 g or more but less than 800 g = B felony. (See p.48)	B	Previously, this offense was classified as C felony, and was for possession plus intent of 400 g or more. [5-64-401(a)(3)].
44	5-64-419 (b)(5)(ii)	<u>Possession of a controlled substance.</u> (b)(5) Possession of a Schedule VI controlled substance. (ii) Possession of 1 oz or more but less than 4 oz and the person has 2 previous convictions under this section or the former 5-64-401(c) = D felony. (See p.48)	D	Previously, simple possession of 1 oz. of marijuana was classified as follows: an A misdemeanor for a first offense; a D felony for a second offense; a C felony for third or subsequent offense. Any higher amount would create a rebuttable presumption of possession plus intent.
44	5-64-419 (b)(5)(iii)	<u>Possession of a controlled substance.</u> (b)(5) Possession of a Schedule VI controlled substance. (iii) Possession of 4 oz or more but less than 10 lbs = D felony. (See p.48)	D	Previously, this offense was classified as a C felony, and was for possession plus intent of less than 10 lbs. [5-64-401(a)(4)].
44	5-64-419 (b)(5)(iv)	<u>Possession of a controlled substance.</u> (b)(5) Possession of a Schedule VI controlled substance. (iv) Possession of 10 lbs or more but less than 25 lbs = C felony. (See p.48)	C	Previously, this offense was classified as a B felony, and was for possession plus intent of 10 lbs or more but less than 100 lbs. [5-64-401(a)(4)].

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SECTION	STATUTE	TITLE	FELONY CLASS	FURTHER EXPLANATION
44	5-64-419 (b)(5)(v)	<u>Possession of a controlled substance.</u> (b)(5) Possession of a Schedule VI controlled substance. (v) Possession of 25 lbs or more but less than 100 lbs = B felony. (See p.48)	B	Previously, this offense was classified as a B felony, and was for possession plus intent of 10 lbs or more but less than 100 lbs. [5-64-401(a)(4)].
44	5-64-419 (b)(5)(vi)	<u>Possession of a controlled substance.</u> (b)(5) Possession of a Schedule VI controlled substance. (vi) Possession of 100 lbs or more but less than 500 lbs = A felony. (See p.48)	A	Previously, this offense was classified as an A felony, and was for possession plus intent of 100 lbs or more but less than 500 lbs. [5-64-401(a)(4)].
45	5-64-420 (b)(1)	<u>Possession of methamphetamine or cocaine with purpose to deliver.</u> (b)(1) Possession of less than 2 g = C felony. (See p.49)	C	Previously, this offense was classified as a Y felony, and was for possession plus intent of less than 28g.
45	5-64-420 (b)(2)	<u>Possession of methamphetamine or cocaine with purpose to deliver.</u> (b)(2) Possession of 2 g or more but less than 10 g = B felony. (See p.49)	B	Previously, this offense was classified as a Y felony, and was for possession plus intent of less than 28g.
45	5-64-420 (b)(3)	<u>Possession of methamphetamine or cocaine with purpose to deliver.</u> (b)(3) Possession of 10 g or more but less than 200 g = A felony. (See p.49)	A	Previously, this offense was classified as a Y felony, and was for possession plus intent of less than 28 g, or 28 g or more but less than 200 g.
46	5-64-422 (b)(1)	<u>Delivery of methamphetamine or cocaine.</u> (b)(1) Delivery of less than 2 g = C felony. (See p.49)	C	Previously, this offense was classified as a Y felony, and was for delivery of less than 28g.
46	5-64-422 (b)(2)	<u>Delivery of methamphetamine or cocaine.</u> (b)(2) Delivery of 2 g or more but less than 10 g = B felony. (See p.49)	B	Previously, this offense was classified as a Y felony, and was for delivery of less than 28g.
46	5-64-422 (b)(3)	<u>Delivery of methamphetamine or cocaine.</u> (b)(3) Delivery of 10 g or more but less than 200 g = Y felony (See p.50)	Y	Previously, this offense was classified as a Y felony, and was for delivery of less than 28 g, or delivery of 28 g or more but less than 200 g.

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47	5-64-423 (a)(2)(A)	<u>Manufacture of methamphetamine/cocaine.</u> <i>Methamphetamine:</i> Manufacture of less than 2 g = C felony. (See p.50)	C	Previously, this offense was classified as a Y felony, and was for manufacture of less than 28 g.
47	5-64-423 (a)(2)(B)(i)	<u>Manufacture of methamphetamine/cocaine.</u> <i>Methamphetamine:</i> Manufacture of 2 g or more = Y felony. (See p.50)	Y	Previously, this offense was classified as a Y felony, and was for manufacture of less than 28 g.
47	5-64-423 (a)(2)(B)(ii)	<u>Manufacture of methamphetamine/cocaine.</u> <i>Methamphetamine:</i> A person who manufactures 2 g or more is guilty of an A felony if the person shows by a preponderance of the evidence that he or she manufactured the methamphetamine for personal use. (See p.50)	A	Previously, this offense was classified as a Y felony, and was for manufacture of less than 28 g.
47	5-64-423 (a)(3)	<u>Manufacture of methamphetamine/cocaine.</u> <i>Methamphetamine:</i> One or more prior convictions of manufacturing methamphetamine in any amount under this section or former 5-64-401 = Y felony. (See p.50)	Y	n/a
47	5-64-423 (b)(2)(A)	<u>Manufacture of methamphetamine/cocaine.</u> <i>Cocaine:</i> Manufacture less than 2 g = C felony. (See p.51)	C	Previously, this offense was classified as a Y felony, and was for manufacture of less than 28 g.
47	5-64-423 (b)(2)(B)	<u>Manufacture of methamphetamine/cocaine.</u> <i>Cocaine:</i> Manufacture 2 g or more but less than 10 g = B felony (See p.51)	B	Previously, this offense was classified as a Y felony, and was for manufacture of less than 28g.
47	5-64-423 (b)(2)(C)	<u>Manufacture of methamphetamine/cocaine.</u> <i>Cocaine:</i> Manufacture 10 g or more but less than 200 g = Y felony (See p.51)	Y	Previously, this offense was classified as a Y felony, and was for 28 g or more but less than 200 g.

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48	5-64-424 (b)(1)	<u>Possession of a Schedule I or Schedule II controlled substance that is NOT methamphetamine/cocaine with purpose to deliver.</u> (b)(1) Possession of less than 2 g of Schedule I or Schedule II controlled substance not methamphetamine/cocaine = C felony. (See p.52)	C	Previously, this offense was classified as a B felony, and was for possession plus intent of less than 28 g. [5-64-401(a)(2)].
48	5-64-424 (b)(2) (A) - (E)	<u>Possession of a Schedule I or Schedule II controlled substance that is NOT methamphetamine/cocaine with purpose to deliver.</u> (b)(2) Possession of any of the following results in a B felony: (A) 2 g or more but less than 28 g of a Schedule I or II controlled substance that is not methamphetamine, cocaine, or a controlled substance listed in this subdivision; (B) 80 or more but less than 160 dosage units of hydromorphone hydrochloride; (C) 80 or more but less than 160 dosage units of Lysergic Acid Diethylamide (LSD); (D) 80 or more but less than 160 dosage units but not more than 200 g for any other Schedule I or II depressant or hallucinogenic drug; (E) 80 or more but less than 160 dosage units but not more than 200 g for any other Schedule I or II stimulant drug. (See p.52)	B	Previously, this offense was classified as a B felony, and was for possession plus intent of less than 28 g. [5-64-401(a)(2)]. With regard to other substances, the amounts in which a rebuttable presumption arose were as follows: Hydromorphone hydrochloride - 16 milligrams; LSD - 100 micrograms; any other depressant drug - 20 dosage units; any other hallucinogenic drug - 10 dosage units; any other stimulant drug - 200 milligrams.

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48	5-64-424 (b)(3) (A) - (E)	<u>Possession of a Schedule I or Schedule II controlled substance that is NOT methamphetamine/cocaine with purpose to deliver.</u> (b)(3) Possession of any of the following results in a Class A felony (A) 28 g or more but less than 200 g of a Schedule I or II controlled substance that is not methamphetamine, cocaine, or a controlled substance listed in this subdivision; (B) 128 mg or more or 160 dosage units or more but less than 200 g of hydromorphone hydrochloride; (C) 1,600 micrograms or more or 160 dosage units or more but less than 200 g of Lysergic Acid Diethylamide (LSD); (D) 160 dosage units or more regardless of weight but less than 200 g for any other Schedule I or II depressant or hallucinogenic drug; (E) 160 dosage units or more regardless of weight but less than 200 g for any other Schedule I or II stimulant drug. (See p.53)	A	Previously, this offense was classified as a B felony, and was for possession plus intent of 28 g or more but less than 400 g. [5-64-401(a)(2)]. With regard to other substances, the amounts in which a rebuttable presumption arose were as follows: Hydromorphone hydrochloride - 16 milligrams; LSD - 100 micrograms; any other depressant drug - 20 dosage units; any other hallucinogenic drug - 10 dosage units; any other stimulant drug - 200 milligrams.
49	5-64-426 (c)(1)	<u>Delivery of a Schedule I or Schedule II controlled substance that is NOT methamphetamine/cocaine.</u> (c)(1) Delivery of less than 2 g = C felony. (See p.53)	C	Previously, this offense was classified as a B felony, and was for delivery of less than 28 g. [5-64-401(a)(2)].

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49	5-64-426 (c)(2) (A) - (E)	<p><u>Delivery of a Schedule I or Schedule II controlled substance that is NOT methamphetamine/cocaine.</u> (c)(2) Delivery of any of the following results in a Class B felony: (A) 2 g or more but less than 28 g of a Schedule I or II controlled substance that is not methamphetamine, cocaine, or a controlled substance listed in this subdivision; (B) 80 or more but less than 160 dosage units of hydromorphone hydrochloride; (C) 80 or more but less than 160 dosage units of Lysergic Acid Diethylamide (LSD); (D) 80 or more but less than 160 dosage units but not more than 200 g for any other Schedule I or II depressant or hallucinogenic drug; (E) 80 or more but less than 160 dosage units but not more than 200 g for any other Schedule I or Schedule II stimulant drug. (See p.53)</p>	B	<p>Previously, this offense was classified as a B felony, and was for delivery of less than 28 g. [5-64-401(a)(2)]. With regard to other substances, the amounts in which a rebuttable presumption arose were as follows: Hydromorphone hydrochloride - 16 milligrams; LSD - 100 micrograms; any other depressant drug - 20 dosage units; any other hallucinogenic drug - 10 dosage units; any other stimulant drug - 200 milligrams.</p>
49	5-64-426 (c)(3) (A) - (E)	<p><u>Delivery of a Schedule I or Schedule II controlled substance that is NOT methamphetamine/cocaine.</u> (c)(3) Delivery of any of the following results in a Class A felony: (A) 28 g or more but less than 200 g of a Schedule I or II controlled substance that is not methamphetamine, cocaine, or a controlled substance listed in this subdivision; (B) 160 dosage units or more but less than 200 g of hydromorphone hydrochloride; (C) 160 dosage units or more but less than 200 g of Lysergic Acid Diethylamide (LSD); (D) 160 dosage units or more regardless of weight but less than 200 g for any other Schedule I or II depressant or hallucinogenic drug; (E) 160 dosage units or more regardless of weight but less than 200 g for any other Schedule I or II stimulant drug. (See p.54)</p>	A	<p>Previously, this offense was classified as a B felony, and was for delivery of 28 g or more but less than 400 g. [5-64-401(a)(2)]. With regard to other substances, the amounts in which a rebuttable presumption arose were as follows: Hydromorphone hydrochloride - 16 milligrams; LSD - 100 micrograms; any other depressant drug - 20 dosage units; any other hallucinogenic drug - 10 dosage units; any other stimulant drug - 200 milligrams.</p>

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50	5-64-427 (c)(1)	<u>Manufacture of a Schedule I or Schedule II controlled substance that is NOT methamphetamine/cocaine.</u> (c)(1) Manufacture of less than 2 g = C felony. (See p.54)	C	Previously, this offense was classified as a B felony manufacture of less than 28 g. [5-64-401(a)(2)].
50	5-64-427 (c)(2) (A) - (E)	<u>Manufacture of a Schedule I or Schedule II controlled substance that is NOT methamphetamine/cocaine.</u> (c)(2) Manufacture of any of the following results in a Class B felony: (A) 2 g or more but less than 28 g of a Schedule I or Schedule II controlled substance that is not methamphetamine, cocaine, or a controlled substance listed in this subdivision; (B) 80 or more but less than 160 dosage units of hydromorphone hydrochloride; (C) 80 or more but less than 160 dosage units of Lysergic Acid Diethylamide (LSD); (D) 80 or more but less than 160 dosage units for any other Schedule I or II depressant or hallucinogenic drug regardless of weight; (E) 80 or more but less than 160 dosage units for any other Schedule I or II stimulant drug regardless of weight. (See p.54)	B	Previously, this offense was classified as a B felony, and was for manufacture of less than 28 g. [5-64-401(a)(2)]. With regard to other substances, the amounts in which a rebuttable presumption arose were as follows: Hydromorphone hydrochloride - 16 milligrams; LSD - 100 micrograms; any other depressant drug - 20 dosage units; any other hallucinogenic drug - 10 dosage units; any other stimulant drug - 200 milligrams

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50	5-64-427 (c)(3)	<u>Manufacture of a Schedule I or Schedule II controlled substance that is NOT methamphetamine/cocaine.</u> (c)(3) Manufacture of any of the following results in a Class A felony: (A) 28 g or more of a Schedule I or Schedule II controlled substance that is not methamphetamine, cocaine, or a controlled substance listed in this subdivision; (B) 160 dosage units or more of hydromorphone hydrochloride; (C) 160 dosage units or more of Lysergic Acid Diethylamide (LSD); (D) 160 dosage units or more regardless of weight for any other Schedule I or II depressant or hallucinogenic drug; (E) 160 dosage units or more regardless of weight for any other Schedule I or II stimulant drug. (See p.55)	A	Previously, this offense was classified as a B felony, and was for manufacture of 28 g or more but less than 400 g. [5-64-401(a)(2)]. With regard to other substances, the amounts in which a rebuttable presumption arose were as follows: Hydromorphone hydrochloride - 16 milligrams; LSD - 100 micrograms; any other depressant drug - 20 dosage units; any other hallucinogenic drug - 10 dosage units; any other stimulant drug - 200 milligrams
51	5-64-428 (b)(1) (A) - (C)	<u>Possession of a Schedule III controlled substance with the purpose to deliver.</u> (b)(1) Possession of any of the following results in a Class C felony: (A) Less than 28 g of a Schedule III controlled substance that is not a controlled substance listed in this subdivision; (B) 40 or more but less than 80 dosage units for any other Schedule III depressant or hallucinogenic drug; (C) 40 or more but less than 80 dosage units for any other Schedule III stimulant drug. (See p.56)	C	Previously, this offense was classified as a B felony, and was for possession plus intent of less than 28 g. [5-64-401(a)(2)]. With regard to other substances, the amounts in which a rebuttable presumption arose were as follows: depressant drug - 20 dosage units; hallucinogenic drug - 10 dosage units; stimulant drug - 200 milligrams.

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51	5-64-428 (b)(2) (A) - (C)	<u>Possession of a Schedule III controlled substance with the purpose to deliver.</u> (b)(2) Possession of any of the following results in a Class B felony: (A) 28 g or more but less than 200 g of a Schedule III controlled substance that is not a controlled substance listed in this subdivision; (B) 80 or more but less than 160 dosage units for any other Schedule III depressant or hallucinogenic drug; (C) 80 or more but less than 160 dosage units for any other Schedule III stimulant drug. (See p.56)	B	Previously, this offense was classified as a B felony, and was for possession plus intent of 28 g or more but less than 400 g. [5-64-401(a)(2)]. With regard to other substances, the amounts in which a rebuttable presumption arose were as follows: depressant drug - 20 dosage units; hallucinogenic drug - 10 dosage units; stimulant drug - 200 milligrams.
51	5-64-428 (b)(3) (A) - (C)	<u>Possession of a Schedule III controlled substance with the purpose to deliver.</u> (b)(3) Possession of any of the following results in a Class A felony: (A) 200 g or more but less than 400 g of a Schedule III controlled substance not a controlled substance listed in this subdivision; (B) 160 dosage units or more for any other Schedule III depressant or hallucinogenic drug; (C) 160 dosage units or more for any other Schedule III stimulant drug. (See p.56)	A	Previously, this offense was classified as a B felony, and was for possession plus intent of 28 g or more but less than 400 g. [5-64-401(a)(2)]. With regard to other substances, the amounts in which a rebuttable presumption arose were as follows: depressant drug - 20 dosage units; hallucinogenic drug - 10 dosage units; stimulant drug - 200 milligrams.
52	5-64-430 (b)(1)	<u>Delivery of a Schedule III controlled substance.</u> (b)(1) Delivery of less than 28 g = C felony. (See p.57)	C	Previously, this offense was classified as a B felony, and was for delivery of less than 28 g. [5-64-401(a)(2)].
52	5-64-430 (b)(2)	<u>Delivery of a Schedule III controlled substance.</u> (b)(2) Delivery of 28 g or more but less than 200 g = B felony. (See p.57)	B	Previously, this offense was classified as a B felony, and was for delivery of 28 g or more but less than 400 g. [5-64-401(a)(2)].

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52	5-64-430 (b)(3)	<u>Delivery of a Schedule III controlled substance.</u> (b)(3) Delivery of 200 g or more but less than 400 g = A felony. (See p.57)	A	Previously, this offense was classified as a B felony, and was for delivery of 28 g or more but less than 400 g. [5-64-401(a)(2)].
53	5-64-431 (b)(1)	<u>Manufacture of a Schedule III controlled substance.</u> (b)(1) Manufacture of less than 28 g = C felony. (See p.57)	C	Previously, this offense was classified as a B felony, and was for manufacture of less than 28 g. [5-64-401(a)(2)]
53	5-64-431 (b)(2)	<u>Manufacture of a Schedule III controlled substance.</u> (b)(2) Manufacture of 28 g or more but less than 200 g = B felony. (See p.57)	B	Previously, this offense was classified as a B felony, and was for manufacture of 28 g or more but less than 400 g and for delivery of 400 g or more [5-64-401(a)(2)].
53	5-64-431 (b)(3)	<u>Manufacture of a Schedule III controlled substance.</u> (b)(3) Manufacture of 200 g or more = A felony. (See p.58)	A	Previously, this offense was classified as a B felony, and was for manufacture of 28 g or more but less than 400 g. [5-64-401(a)(2)].
54	5-64-432 (b)(1) (A) - (C)	<u>Possession of a Schedule IV or Schedule V controlled substance with the purpose to deliver.</u> (b)(1) Possession of any of the following results in a Class D felony: (A) Less than 200 g of a Schedule IV or Schedule V controlled substance that is not a controlled substance listed in this subdivision; (B) 40 or more but less than 80 dosage units for any other Schedule IV or Schedule V depressant or hallucinogenic drug; (C) 40 or more but less than 80 dosage units for any other Schedule IV or Schedule V stimulant drug. (See p.58)	D	Previously, this offense was classified as a C felony, and was for possession plus intent of less than 200 g. [5-64-401(a)(3)]. With regard to other substances, the amounts in which a rebuttable presumption arose were as follows: depressant drug - 20 dosage units; hallucinogenic drug - 10 dosage units; stimulant drug - 200 milligrams.

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54	5-64-432 (b)(2) (A) - (C)	<u>Possession of a Schedule IV or Schedule V controlled substance with the purpose to deliver.</u> (b)(2) Possession of any of the following results in a Class C felony: (A) 200 g or more but less than 400 g of a Schedule IV or Schedule V controlled substance that is not a controlled substance listed in this subdivision; (B) 80 or more but less than 160 dosage units for any other Schedule IV or Schedule V depressant or hallucinogenic drug; (C) 80 or more but less than 160 dosage units for any other Schedule IV or Schedule V stimulant drug. (See p.59)	C	Previously, this offense was classified as a C felony, and was for possession plus intent of 200 g or more but less than 400 g. [5-64-401(a)(3)]. With regard to other substances, the amounts in which a rebuttable presumption arose were as follows: depressant drug - 20 dosage units; hallucinogenic drug - 10 dosage units; stimulant drug - 200 milligrams.
54	5-64-432 (b)(3) (A) - (C)	<u>Possession of a Schedule IV or Schedule V controlled substance with the purpose to deliver.</u> (b)(3) Possession of any of the following is a Class B felony: (A) 400 g or more but less than 800 g of a Schedule IV or Schedule V controlled substance that is not a controlled substance listed in this subdivision; (B) 160 dosage units or more but less than 800 g for any other Schedule IV or Schedule V depressant or hallucinogenic drug; (C) 160 dosage units or more but less than 800 g for any other Schedule IV or Schedule V stimulant drug. (See p.59)	B	Previously, this offense was classified as a C felony, and was for possession plus intent of 400 g or more. [5-64-401(a)(3)]. With regard to other substances, the amount in which a rebuttable presumption arose, amounts were as follows: depressant drug - 20 dosage units; hallucinogenic drug - 10 dosage units; stimulant drugs - 200 milligrams.
55	5-64-434 (b)(1)	<u>Delivery of a Schedule IV or Schedule V controlled substance.</u> (b)(1) Delivery of less than 200 g = D felony. (See p.59)	D	Previously, this offense was classified as a C felony, and was for delivery of less than 200 g. [5-64-401(a)(3)].
55	5-64-434 (b)(2)	<u>Delivery of a Schedule IV or Schedule V controlled substance.</u> (b)(2) Delivery of 200 g or more but less than 400 g = C felony. (See p.60)	C	Previously, this offense was classified as a C felony, and was for delivery of 200 g or more but less than 400 g. [5-64-401(a)(3)].

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55	5-64-434 (b)(3)	<u>Delivery of a Schedule IV or Schedule V controlled substance.</u> (b)(3) Delivery of 400 g or more but less than 800 g = B felony. (See p.60)	B	Previously, this offense was classified as a C felony, and was for delivery of 400 g or more. [5-64-401(a)(3)].
55	5-64-435 (b)(1)	<u>Manufacture of a Schedule IV or Schedule V controlled substance.</u> (b)(1) Manufacturing less than 200 g = D felony. (See p.60)	D	Previously, this offense was classified as a C felony, and was for delivery of less than 200 g. [5-64-401(a)(3)].
55	5-64-435 (b)(2)	<u>Manufacture of a Schedule IV or Schedule V controlled substance.</u> (b)(2) Manufacturing 200 g or more but less than 400 g = C felony. (See p.60)	C	Previously, this offense was classified as a C felony, and was for delivery of 200 g or more but less than 400 g. [5-64-401(a)(3)].
55	5-64-435 (b)(3)	<u>Manufacture of a Schedule IV or Schedule V controlled substance.</u> (b)(3) Manufacturing 400 g or more = B felony. (See p.60)	B	Previously, this offense was classified as a C felony, and was for delivery of 400 g or more. [5-64-401(a)(3)].
57	5-64-436 (b)(2)	<u>Possession of a Schedule VI controlled substance with the purpose to deliver.</u> (b)(2) More than 14 g but less than 4 oz = D felony. (See p.61)	D	Previously, this offense was classified as a C felony, and was for possession plus intent of less than 10 lbs. [5-64-401(a)(4)].
57	5-64-436 (b)(3)	<u>Possession of a Schedule VI controlled substance with the purpose to deliver.</u> (b)(3) 4 oz or more but less than 25 lbs = C felony. (See p.61)	C	Previously, this offense was classified as follows: a C felony, and was for possession plus intent of less than 10 lbs; OR a B felony, and was for possession plus intent of 10 lbs or more but less than 100 lbs. [5-64-401(a)(4)].
57	5-64-436 (b)(4)	<u>Possession of a Schedule VI controlled substance with the purpose to deliver.</u> (b)(4) 25 lbs or more but less than 100 lbs = B felony. (See p.61)	B	Previously, this offense was classified as a B felony, and was for possession plus intent of 10 lbs or more but less than 100 lbs. [5-64-401(a)(4)].

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57	5-64-436 (b)(5)	<u>Possession of a Schedule VI controlled substance with the purpose to deliver.</u> (b)(5) 100 lbs or more but less than 500 lbs = A felony. (See p.61)	A	Previously, this offense was classified as an A felony, and was for possession plus intent of 100 lbs or more but less than 500 lbs. [5-64-401(a)(4)].
58	5-64-438 (b)(2)	<u>Delivery of a Schedule VI controlled substance.</u> (b)(2) More than 14 g but less than 4 oz = D felony. (See p.62)	D	Previously, this offense was classified as a C felony, and was for delivery of less than 10 lbs. [5-64-401(a)(4)].
58	5-64-438 (b)(3)	<u>Delivery of a Schedule VI controlled substance.</u> (b)(3) 4 oz or more but less than 25 lbs = C felony. (See p.62)	C	Previously, this offense was classified as follows: a C felony, and was for delivery of less than 10 lbs; OR a B felony, and was for delivery of 10 lbs or more but less than 100 lbs. [5-64-401(a)(4)].
58	5-64-438 (b)(4)	<u>Delivery of a Schedule VI controlled substance.</u> (b)(4) 25 lbs of more but less than 100 lbs = B felony. (See p.62)	B	Previously, this offense was classified as a B felony, and was for delivery of 10 lbs or more but less than 100 lbs. [5-64-401(a)(4)].
58	5-64-438 (b)(5)	<u>Delivery of a Schedule VI controlled substance.</u> (b)(5) 100 lbs or more but less than 500 lbs = A felony. (See p.62)	A	Previously, this offense was classified as an A felony, and was for delivery of 100 lbs or more but less than 500 lbs. [5-64-401(a)(4)].
59	5-64-439 (b)(2)	<u>Manufacture of a Schedule VI controlled substance.</u> (b)(2) More than 14 g but less than 4 oz = D felony. (See p.62)	D	Previously, this offense was classified as a C felony, and was for manufacture of less than 10 lbs. [5-64-401(a)(4)].
59	5-64-439 (b)(3)	<u>Manufacture of a Schedule VI controlled substance.</u> (b)(3) 4 oz or more but less than 25 lbs = C felony. (See p.62)	C	Previously, this offense was classified as follows: a C felony, and was for manufacture of less than 10 lbs; OR a B felony, and was for manufacture of 10 lbs or more but less than 100 lbs. [5-64-401(a)(4)].

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59	5-64-439 (b)(4)	<u>Manufacture of a Schedule VI controlled substance.</u> (b)(4) 25 lbs or more but less than 100 lbs = B felony. (See p.63)	B	Previously, this offense was classified as a B felony, and was for manufacture of 10 lbs or more but less than 100 lbs. [5-64-401(a)(4)].
59	5-64-439 (b)(5)	<u>Manufacture of a Schedule VI controlled substance.</u> (b)(5) 100 lbs or more = A felony. (See p.63)	A	Previously, this offense was classified as an A felony, and was for manufacture of 100 lbs or more but less than 500 lbs. [5-64-401(a)(4)].
60	5-64-440 (b) & (c)	<u>Trafficking a controlled substance.</u> (b) A person engages in trafficking if he or she possesses a controlled substance in the following amounts: (1) Methamphetamine or cocaine = 200 g or more; (2) Schedule I or Schedule II controlled substance that is not methamphetamine or cocaine = 200 g or more; (3) Schedule III controlled substance = 400 g or more; (4) Schedule IV or V controlled substance = 800 g or more; (5) Schedule VI controlled substance = 500 lbs or more. (c) Trafficking = Y felony. (See. p.63)	Y	The following is a list of previous offenses and classifications for possession plus intent, delivery, or manufacture of: (1) Schedule I/II (Narcotic/Meth): 400 g or more = Y felony [5-64-401(a)(1)]; (2) Schedule I/II (all other drugs): 400 g or more = B felony [5-64-401(a)(2)]; (3) Schedule III: 400 g or more = B felony [5-64-401(a)(2)]; (4) Schedule IV/V: 400 g or more = C felony [5-64-401(a)(3)]; (5) Schedule VI: 500 lbs or more = Y felony [5-64-401(a)(4)].
61	5-64-441 (b)(1)	<u>Possession of a counterfeit substance (without a prescription or order or as otherwise authorized).</u> (b)(1) Violation of this chapter with respect to a Schedule I or II controlled substance = D felony. (See p.64)	D	Previously, this offense was classified as a C felony. [5-64-401(c)].

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SECTION	STATUTE	TITLE	FELONY CLASS	FURTHER EXPLANATION
61	5-64-441 (b)(3)	<u>Possession of a counterfeit substance (without prescription or order or as otherwise authorized).</u> (b)(3) Violation of this chapter with respect to any other controlled substance, 3rd or subsequent offense = D felony. (See p.64)	D	Previously, a second offense was classified as a D felony; a third or subsequent offense was classified as a C felony. [5-64-401(b)].
62	5-64-442 (b)(1)	<u>Delivery or manufacture of a counterfeit substance.</u> (b)(1) Delivery or manufacturing a counterfeit substance purporting to be a Schedule I or II controlled substance = C felony (See p.64)	C	Previously, this offense was classified as follows: a B felony, and was for creating, delivering, or possessing with intent to deliver a counterfeit substance purported to be a Schedule I or II controlled substance (narcotic/meth); OR as a C felony, and was for creating, delivering, or possessing with intent to deliver a counterfeit substance purported to be any other Schedule I or II controlled substance. [5-64-401(b)].
62	5-64-442 (b)(2)	<u>Delivery or manufacture of a counterfeit substance.</u> (b)(2) Delivery or manufacturing a counterfeit substance purporting to be a Schedule III controlled substance = D felony. (See p.64)	D	Previously, this offense was classified as a C felony, and was for creating, delivering, or possessing with intent to deliver a counterfeit substance purported to be a Schedule III controlled substance. [5-64-401(b)]. NOTE: Counterfeit substances purported to be Schedules IV, V, or VI or unclassified are now classified as A misdemeanor.
63	5-64-443 (a)(2)	<u>Drug Paraphernalia.</u> (a)(2) Possession of drug paraphernalia with the purpose to use the drug paraphernalia to inject, ingest, inhale, or otherwise introduce into the human body a controlled substance and the controlled substance is methamphetamine or cocaine = D felony. (See p.64)	D	Previously, this offense was classified as an A misdemeanor for all controlled substances; This offense was also classified as a C felony for use or possession with intent to use drug paraphernalia in the course of and in furtherance of a felony violation of this chapter. [5-64-401(c)]. Personal use.

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Public Safety Improvement Act
Theft/Drug Provisions

SECTION	STATUTE	TITLE	FELONY CLASS	FURTHER EXPLANATION
63	5-64-443 (b)	<u>Drug Paraphernalia.</u> (b) Use or possession with the purpose to use drug paraphernalia to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, or conceal a controlled substance that is methamphetamine or cocaine = B felony. (See p.65)	B	Previously, this offense was classified as a B felony for use or possession with intent to use drug paraphernalia to manufacture methamphetamine. Growing, etc.
63	5-64-443 (c)	<u>Drug Paraphernalia.</u> (c) Use or possession with the purpose to use drug paraphernalia to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, or conceal a controlled substance a controlled substance that is <u>not</u> methamphetamine or cocaine = D felony. (Note: controlled substance in the last line is repeated in the text of the Act) (See p.65)	D	Previously, this offense was classified as an A misdemeanor for all controlled substances. This offense was also classified as a C felony for use or possession with intent to use drug paraphernalia in the course of and in furtherance of a felony violation of this chapter. [5-64-401(c)]. Growing, etc.
64	5-64-444 (a)	<u>Drug paraphernalia – Delivery to a minor.</u> (a) A person 18 or older who violates 5-64-443 by delivering drug paraphernalia in the course of and in furtherance of a felony violation of this chapter to a person under 18 who is at least 3 years younger than the person = B felony. (See p.65)	B	Previously, this offense was classified as a B felony. [5-64-403(c)].
65	5-64-445	<u>Advertisement of a counterfeit substance or drug paraphernalia.</u> Placing in any newspaper, magazine, handbill, or any publication, any advertisement knowing or under circumstances in which a person reasonably should know, that the purpose of the advertisement, in whole or in part, is to promote the sale of a counterfeit substance or of an object designed or intended for use as drug paraphernalia = C felony. (See p.66)	C	Previously, this offense was classified as a C felony. [5-64-403(c)].

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SECTION	STATUTE	TITLE	FELONY CLASS	FURTHER EXPLANATION
69	5-64-1102 (a)(1) & (a)(2)(A)	<u>Possession with purpose to manufacture – Unlawful distribution.</u> (a)(1) Possession of ephedrine, pseudoephedrine, phenylpropanolamine or their salts, optical isomers, or salts of optical isomers with purpose to manufacture methamphetamine is: (2)(A) D felony: if quantity is capable of producing 10 g or less of methamphetamine. (See p.68)	D	Previously, this offense was classified as a D felony, and was for possession in any amount of pseudoephedrine, phenylpropanolamine, or their salts, optical isomers, or salts of optical isomers. [5-64-1102(a)].
69	5-64-1102 (a)(1) & (a)(2)(B)	<u>Possession with purpose to manufacture – Unlawful distribution.</u> (a)(1) Possession of ephedrine, pseudoephedrine, phenylpropanolamine or their salts, optical isomers, or salts of optical isomers with purpose to manufacture methamphetamine is: (2)(B) B felony: if quantity is capable of producing more than 10 g of methamphetamine. (See p.68)	B	Previously, this offense was classified as a D felony, and was for possession in any amount of pseudoephedrine, phenylpropanolamine, or their salts, optical isomers, or salts of optical isomers. [5-64-1102(a)].
69	5-64-1102 (b)(1) & (b)(2)	<u>Possession with purpose to manufacture – Unlawful distribution.</u> (b)(1) Possession of ephedrine, pseudoephedrine, or phenylpropanolamine or their salts, optical isomers, or salts of optical isomers in a quantity capable of producing 28 g or more of a Schedule I or II controlled substance that is a narcotic drug or methamphetamine with purpose to manufacture methamphetamine is: (2) B felony. (See p.68)	B	Previously, this offense was classified as a D felony, and was for possession in any amount of pseudoephedrine, phenylpropanolamine, or their salts, optical isomers, or salts of optical isomers. [5-64-1102(a)].

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Public Safety Improvement Act
Controlled Substance Enhancements

SECTION	STATUTE		ENHANCEMENT
38	5-64-406 (c)	<p><u>Delivery to minors – Enhanced penalties.</u> (c) Person not otherwise subject to enhanced penalties under this section (i.e. minor was not at least 3 years younger than the person delivering the substance) and is convicted of delivering a controlled substance to a person under 18 years of age is subject to an additional term of imprisonment of 10 years. (See. p.43)</p>	10 years
42	5-64-411	<p><u>Proximity to certain facilities – Enhanced penalties.</u> (a) Person is subject to an enhanced sentence of 10 years if (1) person possesses a controlled substance in violation of 5-64-419 and the offense is a Class C felony or greater, (2) possesses with the purpose to deliver, delivers, manufactures, or trafficks a controlled substance, and the offenses is committed on or within 1,000 feet of a drug free zone (adds video arcade to the list). (b) Enhanced portion may be consecutive or concurrent. (See p.46)</p>	10 years
44	5-64-419(c)	<p><u>Possession of a controlled substance.</u> (c) Possession of a controlled substance while incarcerated in a state, county, city, or juvenile detention facility = increase felony class to the next higher classification as prescribed by law for the offense. (See p.48)</p>	next higher classification