

*As Engrossed: 2/8/91 2/14/91*

1 **State of Arkansas**  
2 **78th General Assembly**  
3 **Regular Session, 1991**  
4 **By: Representative Collier**

**A BILL ACT 567 OF 1991**  
**HOUSE BILL 1538**

**For An Act To Be Entitled**

8 "AN ACT TO PROHIBIT THE MANUFACTURE, SALE OR DISTRIBUTION  
9 OF FRAUDULENT IDENTIFICATION DOCUMENTS TO PERSONS UNDER  
10 THE AGE OF TWENTY-ONE (21) AND ITS USE BY PERSONS UNDER  
11 AGE TWENTY-ONE (21) TO PURCHASE ALCOHOL; AND FOR OTHER  
12 PURPOSES."

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

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16 SECTION 1. (a) The primary purpose of this act is to prohibit the  
17 production, sale or distribution of fraudulent or altered identification  
18 documents to persons under the age of twenty-one (21) to prevent the use of  
19 such documents to unlawfully purchase alcoholic beverages or other substances  
20 or materials restricted for adult purchase or possession in accordance with  
21 existing law.

22 (b) The secondary purpose of this act is to assign criminal liability  
23 to those persons under age twenty-one (21) utilizing fraudulent identification  
24 documents for the purpose of unlawfully purchasing alcoholic beverages or  
25 other substances or materials restricted for adult purchase or possession in  
26 accordance with existing law.

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28 SECTION 2. (a) It shall be unlawful for a person to:

29 (1) Manufacture or produce fraudulent personal identification  
30 documents for the purpose of providing a person under age twenty-one (21)  
31 identification which can be used for the purpose of purchasing alcoholic  
32 beverages or other substances or materials restricted for adult purchase or  
33 possession in accordance with existing law;

34 (2) Alter a personal identification document for the purpose of  
35 providing a person under age twenty-one (21) false identification which can be  
36 used for the purpose of purchasing alcoholic beverages or other substances or

1 materials restricted for adult purchase or possession in accordance with  
2 existing law; or

3           (3) Sell or otherwise distribute such fraudulent personal  
4 identification documents to a person under age twenty-one (21).

5           (b) A person who violates this section shall be deemed guilty of a Class  
6 C felony. A second or subsequent violation of this section shall be a Class B  
7 felony.

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9           SECTION 3. (a) It shall be unlawful for:

10           (1) A person to possess a fraudulent or altered personal  
11 identification document for the purpose of providing a person under age  
12 twenty-one (21) identification which can be used for the purpose of purchasing  
13 alcoholic beverages or other substances or materials restricted for adult  
14 purchase or possession in accordance with existing law;

15           (2) A person under age twenty-one (21) to possess a fraudulent or  
16 altered personal identification document which can be used for the purpose of  
17 purchasing alcoholic beverages or other substances or materials restricted for  
18 adult purchase or possession in accordance with existing law; or

19           (3) A person under age twenty-one (21) to attempt to use a  
20 fraudulent or altered personal identification document for the purpose of  
21 purchasing alcoholic beverages illegally or other materials or substances  
22 restricted to adult purchase or possession under existing law.

23           (b) A person who violates this section shall be deemed guilty of a  
24 *Class B misdemeanor*. A second or subsequent violation of this section shall  
25 be a *Class A misdemeanor*.

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27           SECTION 4. (a) Whenever a person who is less than eighteen (18) years  
28 of age pleads guilty, nolo contendere or is found guilty of violation of  
29 Section 3 of this act, or is found by a juvenile court to have committed such  
30 an offense, the court shall prepare and transmit to the Department of Finance  
31 and Administration within twenty-four (24) hours after the plea or finding an  
32 order of denial of driving privileges for the minor. In cases of extreme and  
33 unusual hardship, the order may provide for the issuance of a restricted  
34 driving permit to allow driving to and from a place of employment or driving  
35 to and from school.

36           (b) Upon receipt of an order of denial of driving privileges under this

1 act, the Department of Finance and Administration shall suspend the motor  
2 vehicle operator's license of the minor for twelve (12) months or until the  
3 minor reaches eighteen (18) years of age, whichever *period of time is*  
4 *shortest*.

5 (c) The penalties prescribed in this section shall be in addition to  
6 the penalties prescribed by Section 3 of this act.

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8 SECTION 5. All provisions of this act of a general and permanent nature  
9 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code  
10 Revision Commission shall incorporate the same in the Code.

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12 SECTION 6. If any provision of this act or the application thereof to  
13 any person or circumstance is held invalid, such invalidity shall not affect  
14 other provisions or applications of the act which can be given effect without  
15 the invalid provision or application, and to this end the provisions of this  
16 act are declared to be severable.

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18 SECTION 7. All laws and parts of laws in conflict with this act are  
19 hereby repealed.

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28 /s/ Tom Collier

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30 APPROVED: 3-15-91