

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

A Bill

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."

13
14 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

15
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.

27
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

1 used for the purpose of purchasing alcoholic beverages or other substances or
2 materials restricted for adult purchase or possession in accordance with
3 existing law; or

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

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

9

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

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

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

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

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

27

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

1 (b) Upon receipt of an order of denial of driving privileges under this
2 act, the Department of Finance and Administration shall suspend the motor
3 vehicle operator's license of the minor for twelve (12) months or until the
4 minor reaches eighteen (18) years of age, whichever *period of time is*
5 *shortest*.

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

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

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

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

21
22
23
24
25
26
27
28
29 /s/ Tom Collier
30
31
32
33
34
35

