

1 **State of Arkansas**
2 **79th General Assembly**
3 **Regular Session, 1993**
4 **By: Senator Bearden**

A Bill

SENATE BILL 563

For An Act To Be Entitled

8 "AN ACT TO AMEND ARKANSAS CODE § 3-3-201 AND § 3-3-202 TO
9 INCREASE THE PENALTIES FOR UNKNOWINGLY AND KNOWINGLY
10 FURNISHING OR *SELLING* ALCOHOLIC BEVERAGES TO MINORS; TO
11 DECLARE AN EMERGENCY; AND FOR OTHER PURPOSES."

Subtitle

14 "AN ACT TO INCREASE THE PENALTIES FOR UNKNOWINGLY AND
15 KNOWINGLY FURNISHING ALCOHOLIC BEVERAGES TO MINORS."

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

19 SECTION 1. Arkansas Code § 3-3-201 is hereby amended to read as
20 follows:

21 "3-3-201. Unknowingly furnishing to minor.

22 (a) The sale, giving away, or other disposition of intoxicating liquor
23 to a minor is declared to be a misdemeanor.

24 (b) Any person who shall sell, give away, or otherwise dispose of
25 intoxicating liquor to a minor shall be punished by a fine of not less than
26 two hundred dollars (\$200) nor more than five hundred dollars (\$500) for the
27 first offense. For the second and subsequent offenses, he shall be punished by
28 a fine of not less than five hundred dollars (\$500) nor more than one thousand
29 dollars (\$1,000) or by imprisonment in the county jail for not less than one
30 (1) year, or both a fine and imprisonment in the discretion of the jury or
31 court."

33 SECTION 2. Arkansas Code § 3-3-202 is hereby amended to read as
34 follows:

35 "3-3-202. Knowingly furnishing or *selling* to minor.

1 (a) (1) It shall be unlawful for any person knowingly to give, procure,
2 or otherwise furnish any alcoholic beverage to any person under twenty-one
3 (21) years of age. However, this section shall not apply to the serving of
4 such to one's family or to the use of wine in any religious ceremony or rite
5 in any established church or religion.

6 (2) Any person violating this subsection shall, upon a first
7 conviction, be deemed guilty of a misdemeanor and shall be fined not more than
8 five hundred dollars (\$500) or imprisoned for not more than ten (10) days, or
9 both fined and imprisoned. Upon a second conviction within three (3) years, a
10 person violating this section shall be deemed guilty of a felony and may be
11 imprisoned in the state penitentiary not less than one (1) year nor more than
12 five (5) years and shall be fined not more than five hundred dollars (\$500),
13 or both.

14 (b) (1) It shall be unlawful for any person knowingly to sell, or
15 otherwise furnish for money or other valuable consideration any alcoholic
16 beverage to any person under twenty-one (21) years of age.

17 (2) Any person violating this subsection shall, upon a first
18 conviction, be deemed guilty of a Class D felony and shall be punished as
19 provided by law. Upon a second conviction within five (5) years, a person
20 violating this section shall be deemed guilty of a Class C felony and may be
21 imprisoned or fined, or both as provided by law."

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23 SECTION 3. All provisions of this act of general and permanent nature
24 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code
25 Revision Commission shall incorporate the same in the Code.

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27 SECTION 4. If any provisions of this act or the application thereof to
28 any person or circumstance is held invalid, the invalidity shall not affect
29 other provisions or applications of the act which can be given effect without
30 the invalid provisions or application, and to this end the provisions of this
31 act are declared to be severable.

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33 SECTION 5. All laws and parts of laws in conflict with this act are
34 hereby repealed.

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1 SECTION 6. EMERGENCY. It is hereby found and determined by the
2 Seventy-Ninth General Assembly of the State of Arkansas that the penalties
3 under Arkansas law for knowingly and unknowingly furnishing alcoholic
4 beverages to minors are too lenient; that supplying alcoholic beverages to
5 underage persons is strictly contrary to the public policy and is detrimental
6 to the young people of the State; and that the penalties for this conduct
7 should be increased to deter and to punish these violations of Arkansas law
8 and policy. Therefore, in order to properly punish these violations, an
9 emergency is hereby declared to exist and this act being necessary for the
10 immediate preservation of the public peace, health, and safety, shall be in
11 full force and effect from and after its passage and approval.

12 /s/ Senator Bearden
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