

*As Engrossed: 2/4/91*

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

**A BILL ACT 498 OF 1991**  
**SENATE BILL 141**

**For An Act To Be Entitled**

8 "AN ACT TO AMEND ARKANSAS CODE 3-3-205 IS AMENDED TO  
9 INCREASE THE PENALTY FOR A SECOND OR SUBSEQUENT VIOLATION  
10 OF SELLING, BARTERING, EXCHANGING OR GIVING ANY  
11 INTOXICATING ALCOHOLIC LIQUOR WITHOUT A LICENSE; AND FOR  
12 OTHER 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. Arkansas Code 3-3-205 is amended to read as follows:

17 "3-3-205. Sale or possession without license.

18 (a) Any person who shall sell, barter, exchange, or give any  
19 intoxicating alcoholic liquor without having a valid license as provided by  
20 this act shall, in addition to losing his license, be deemed guilty of a  
21 misdemeanor. Upon conviction, he shall be fined not less than fifty dollars  
22 (\$50.00) nor more than five hundred dollars (\$500), or imprisoned for not  
23 exceeding six (6) months, or both so fined and imprisoned in the discretion of  
24 the court or jury.

25 (b) Any person who has in his possession intoxicating alcoholic liquor  
26 not obtained under, and in conformity with, the provisions of this act shall  
27 be deemed guilty of a misdemeanor and shall, upon conviction, be fined not  
28 less than fifty dollars (\$50.00) nor more than five hundred dollars (\$500) or  
29 imprisoned for not exceeding six (6) months, or both so fined and imprisoned  
30 in the discretion of the court or jury.

31 (c) This penalty shall apply whether the intoxicating liquor is for the  
32 use of the person illegally possessing it or for the use and benefit of  
33 another.

34 (d) Each act in violation of this section shall constitute a separate  
35 misdemeanor.

36 (e) Nothing herein contained shall relieve any licensee from forfeiture

1 of his license.

2 (f)(1) Any person found guilty a second time of subsection (b) of this  
3 section shall be fined not less than fifty dollars (\$50.00) nor more than five  
4 hundred dollars (\$500) or confined in the county jail not less than one (1)  
5 month nor more than six (6) months, or both so fined and imprisoned within the  
6 discretion of the court or jury.

7 (2) Any person found guilty of a second violation of subsection (a)  
8 within a period of three (3) years shall be deemed guilty of a Class A  
9 misdemeanor. Any person found guilty of a third or subsequent violation of  
10 subsection (a) within a period of three (3) years shall be deemed guilty of a  
11 Class D felony."

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13 SECTION 2. All provisions of this act of a general and permanent nature  
14 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code  
15 Revision Commission shall incorporate the same in the Code.

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17 SECTION 3. If any provision of this act or the application thereof to  
18 any person or circumstance is held invalid, such invalidity shall not affect  
19 other provisions or applications of the act which can be given effect without  
20 the invalid provision or application, and to this end the provisions of this  
21 act are declared to be severable.

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23 SECTION 4. All laws or parts of laws in conflict with this act are  
24 hereby repealed.

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26 /s/Hopkins

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28 APPROVED: 3-13-91

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