

**Stricken language would be deleted from and underlined language would be added to the law as it existed
prior to this session of the General Assembly.
Act 1767 of the Regular Session**

1 State of Arkansas
2 85th General Assembly
3 Regular Session, 2005
4

A Bill

HOUSE BILL 1769

5 By: Representative Key
6 By: Senator Womack
7
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For An Act To Be Entitled

AN ACT TO PROVIDE ENHANCED PENALTIES IN CERTAIN
CIRCUMSTANCES FOR FURNISHING AN ALCOHOLIC
BEVERAGE TO A PERSON UNDER TWENTY-ONE (21) YEARS
OF AGE IF A MOTOR VEHICLE ACCIDENT IS PROXIMATELY
CAUSED BY CONSUMPTION OF THE ALCOHOLIC BEVERAGE;
AND FOR OTHER PURPOSES.

Subtitle

AN ACT TO PROVIDE ENHANCED PENALTIES IN
CERTAIN CIRCUMSTANCES FOR FURNISHING AN
ALCOHOLIC BEVERAGE TO A PERSON UNDER
TWENTY-ONE (21) YEARS OF AGE IF A MOTOR
VEHICLE ACCIDENT IS PROXIMATELY CAUSED
BY CONSUMPTION OF THE BEVERAGE.

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

SECTION 1. Arkansas Code § 3-3-202 is amended to read as follows:

3-3-202. Knowingly furnishing or selling to minor.

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

(2)(A) Except as provided in subdivision (a)(2)(B) of this



1 section, Any any person violating this subsection shall, upon a first
2 conviction, be deemed guilty of a Class A misdemeanor and shall be fined not
3 more than five hundred dollars (\$500) or imprisoned for not more than ten
4 (10) days, or both fined and imprisoned. Upon a second conviction within
5 three (3) years, a person violating this section shall be deemed guilty of a
6 Class D felony and may be imprisoned in the Department of ~~Corrections~~
7 Correction for not less than one (1) year nor more than five (5) years and
8 shall be fined not more than five hundred dollars (\$500), or both.

9 (B) Any person violating the provisions of subdivision
10 (a)(1) of this section shall be subject to enhanced penalties if consumption
11 of the alcoholic beverage furnished to the person under twenty-one (21) years
12 of age proximately caused a motor vehicle accident, as follows:

13 (i) Upon conviction of the person that furnished the
14 alcoholic beverage, if property damage resulting from the motor vehicle
15 accident exceeds five hundred dollars (\$500), the classification and penalty
16 range of the offense shall be increased by one (1) classification; or

17 (ii) Upon conviction of the person that furnished
18 the alcoholic beverage, if death results from the motor vehicle accident, the
19 classification and penalty range of the offense shall be increased by two (2)
20 classifications.

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

24 (2)(A) Any person violating this subsection shall, upon a first
25 conviction, be deemed guilty of a Class D felony and shall be punished as
26 provided by law.

27 (B) Upon a second conviction within five (5) years, a
28 person violating this section shall be deemed guilty of a Class C felony and
29 may be imprisoned or fined, or both as provided by law.

30 (c)(1) A warning notice that includes the provisions of subsections
31 (a) and (b) of this section shall be posted in public view in each place of
32 business where alcoholic beverages are sold.

33 (2) The warning notice shall be posted in a manner prescribed by
34 the Alcoholic Beverage Control Board.

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APPROVED: 4/06/2005