

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.

1 State of Arkansas
2 87th General Assembly
3 Regular Session, 2009

A Bill

SENATE BILL 811

4
5 By: Senator J. Key
6
7

For An Act To Be Entitled

8
9 AN ACT TO PROVIDE ENHANCED PENALTIES FOR
10 FURNISHING AN ALCOHOLIC BEVERAGE TO A PERSON
11 UNDER TWENTY-ONE (21) YEARS OF AGE IF A MOTOR
12 VEHICLE ACCIDENT IS PROXIMATELY CAUSED BY THE
13 CONSUMPTION OF THE ALCOHOLIC BEVERAGE; TO PROVIDE
14 THAT ALCOHOLIC BEVERAGES IN THE BODY OF A MINOR
15 SHALL BE DEEMED TO BE IN HIS OR HER POSSESSION;
16 AND FOR OTHER PURPOSES.
17

Subtitle

18
19 TO PROVIDE ENHANCED PENALTIES FOR
20 FURNISHING AN ALCOHOLIC BEVERAGE TO A
21 MINOR UNDER CERTAIN CIRCUMSTANCES AND TO
22 PROVIDE THAT ALCOHOLIC BEVERAGES IN THE
23 BODY OF A MINOR SHALL BE DEEMED TO BE IN
24 HIS OR HER POSSESSION.
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27 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
28

29 SECTION 1. Arkansas Code § 3-3-202(a) and (b), concerning knowingly
30 furnishing or selling alcoholic beverages to a minor, is amended to read as
31 follows:

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



1 religion.

2 (2)(A) Except as provided in subdivision (a)(2)(B):

3 (i) Upon a ~~first~~ conviction, any person violating
4 this subsection ~~shall be~~ is guilty of a ~~Class C~~ Class A misdemeanor; and

5 ~~(B)(ii)~~ Upon a ~~second~~ subsequent conviction within
6 three (3) years of a prior conviction, a person violating this section ~~shall~~
7 ~~be~~ is guilty of a Class D felony.

8 (B) If consumption of an alcoholic beverage furnished to a
9 person under twenty-one (21) years of age proximately causes a motor vehicle
10 accident, a person violating subdivision (a)(1) of this section is subject to
11 the following enhanced penalties:

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

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

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

23 (2)(A) Except as provided in subdivision (b)(2)(B):

24 (i) Upon a ~~first~~ conviction, ~~any~~ a person violating
25 this subsection ~~shall be~~ is guilty of a Class D felony ~~and shall be punished~~
26 ~~as provided by law;~~ and

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

31 (B) If consumption of an alcoholic beverage furnished to a
32 person under twenty-one (21) years of age proximately causes a motor vehicle
33 accident, a person violating subdivision (b)(1) of this section is subject to
34 the following enhanced penalties:

35 (i) Upon conviction of the person furnishing the
36 alcoholic beverage, the classification and penalty range of the offense shall

1 be increased by one (1) classification if property damage resulting from the
 2 motor vehicle accident exceeds five hundred dollars (\$500); or
 3 (ii) Upon conviction of the person furnishing the
 4 alcoholic beverage, the classification and penalty range of the offense is
 5 increased by two (2) classifications if death results from the motor vehicle
 6 accident.

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 8 SECTION 2. Arkansas Code § 3-3-203(a), concerning the purchase or
 9 possession of alcoholic beverages by minors, is amended to read as follows:

10 (a)(1) It shall be unlawful for any person under twenty-one (21) years
 11 of age to purchase or have in his or her possession any intoxicating liquor,
 12 wine, or beer.

13 (2) For the purposes of this section, intoxicating liquor, wine,
 14 or beer in the body of a minor shall ~~not~~ be deemed to be in his or her
 15 possession.

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