

ARKANSAS SENATE
90th General Assembly - Regular Session, 2015
Amendment Form

Subtitle of Senate Bill No. 161

TO PROVIDE AN AFFIRMATIVE DEFENSE TO CRIMINAL PROSECUTION FOR POSSESSION OF ALCOHOL TO PERSONS UNDER TWENTY-ONE YEARS OF AGE WHO ACT RESPONSIBLY DURING A MEDICAL EMERGENCY.

Amendment No. 2 to Senate Bill No. 161

Amend Senate Bill No. 161 as engrossed, S2/12/15 (version: 02/12/2015 10:03:42 AM):

Delete the title in its entirety and substitute the following:

"AN ACT TO PROVIDE LIMITED IMMUNITY FROM CRIMINAL PROSECUTION FOR POSSESSION OF ALCOHOL TO PERSONS UNDER TWENTY-ONE YEARS OF AGE WHO ACT RESPONSIBLY DURING A MEDICAL EMERGENCY; AND FOR OTHER PURPOSES."

AND

Delete the subtitle in its entirety and substitute the following:

"TO PROVIDE LIMITED IMMUNITY FROM CRIMINAL PROSECUTION FOR POSSESSION OF ALCOHOL TO PERSONS UNDER TWENTY-ONE YEARS OF AGE WHO ACT RESPONSIBLY DURING A MEDICAL EMERGENCY."

AND

Delete everything after the enacting clause and substitute the following:

"SECTION 1. Arkansas Code § 3-3-203 is amended to read as follows:
3-3-203. Purchase or possession by minor.

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

(2) For the purposes of this section, intoxicating liquor, wine, or beer in the body of a person under twenty-one (21) years of age is deemed to be in his or her possession.

(b) It shall also be unlawful for an adult to purchase on behalf of a person under twenty-one (21) years of age any intoxicating liquor, wine, or beer.

(c) A person eighteen (18) years of age or older violating this section is guilty of a violation and upon conviction shall be subject to a fine of not less than one hundred dollars (\$100) nor more than five hundred dollars (\$500).

(d) In addition to the penalties provided in this section, the trial



judge or magistrate may impose the following penalty or penalties or any combination thereof:

(1) Require a person eighteen (18) years of age or older but under twenty-one (21) years of age to write themes or essays on intoxicating liquors, wine, or beer; and

(2) Place a person eighteen (18) years of age or older but under twenty-one (21) years of age under probationary conditions as determined by the court in its reasonable discretion designed as a reasonable and suitable preventive and educational safeguard to prevent future violations of this section by the person.

(e)(1) In addition to the fine authorized by subsection (c) of this section, at the time of arrest of a person eighteen (18) years of age or older for violation of the provisions of subsection (a) of this section, the arrested person shall immediately surrender his or her license, permit, or other evidence of driving privilege to the arresting law enforcement officer as provided in § 5-65-402.

(2)(A) The Office of Driver Services or its designated official shall suspend or revoke the driving privilege of the arrested person or shall suspend any nonresident driving privilege of the arrested person, as provided in § 5-65-402.

(B) The period of suspension or revocation shall be based on the offense that caused the surrender of the arrested person's license, permit, or other evidence of driving privilege as described in subdivision (e)(1) of this section and the number of any previous offenses as follows:

(i) Suspension for sixty (60) days for a first offense under subsection (a) of this section;

(ii) Suspension for one hundred twenty (120) days for a second offense under subsection (a) of this section; and

(iii) Suspension for one (1) year for a third or subsequent offense under subsection (a) of this section.

(3) In order to determine the number of previous offenses to consider when suspending or revoking the arrested person's driving privileges, the office shall consider as a previous offense any conviction under subsection (a) of this section which occurred either prior to or after August 12, 2005.

(f) A person ~~less than~~ under eighteen (18) years of age who violates this section is subject to the Arkansas Juvenile Code of 1989, § 9-27-301 et seq.

(g)(1) A person under twenty-one (21) years of age is immune from criminal prosecution under subsection (a) of this section if:

(A) The person:

(i) Requested emergency medical assistance in response to a medical emergency of another person;

(ii) Remained on the scene until the emergency medical assistance arrived; and

(iii) Cooperated with emergency medical assistance providers and law enforcement personnel during the medical emergency;

(B) The person is the recipient of emergency medical assistance requested under subdivision (g)(1)(A) of this section; or

(C) The person acted in concert with the person initiating contact for emergency medical assistance and met the requirements of subdivisions (g)(1)(A)(ii) and (iii) of this section.

(2) This subsection does not apply if the request for emergency medical assistance does not occur until after law enforcement personnel have arrived at the scene of the medical emergency.

(3) The immunity from criminal prosecution provided under this section shall not in any way affect a law enforcement officer's or court's probable cause determination in regard to another criminal offense."

The Amendment was read the first time, rules suspended and read the second time and _____

By: Senator J. Hutchinson

BPG/LNS - 02-23-2015 11:50:33

BPG330

Secretary