

State of Arkansas

77th General Assembly

Regular Session, 1989

A Bill

HOUSE BILL

1786

By: Representative Rice

For An Act To Be Entitled

"AN ACT TO AMEND ARKANSAS CODE §5-71-212 TO PROVIDE THAT NO PERSON SHALL BE CHARGED WITH PUBLIC INTOXICATION UNLESS THERE IS AT LEAST ONE-TENTH OF ONE PERCENT (0.10%) BY WEIGHT OF ALCOHOL IN THE PERSON'S BLOOD AS DETERMINED BY A CHEMICAL TEST OF THE PERSON'S BLOOD, URINE, BREATH, OR OTHER BODILY SUBSTANCE; AND FOR OTHER PURPOSES."

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

SECTION 1. Arkansas Code §5-71-212 is amended by adding a new subsection (f) to read as follows:

"5-71-212. Public intoxication.

(a) A person commits the offense of public intoxication if he appears in a public place manifestly under the influence of alcohol or a controlled substance to the degree and under circumstances such that he is likely to endanger himself or other persons or property, or that he unreasonably annoys persons in his vicinity.

(b) Public intoxication is a Class C misdemeanor.

(c) A person commits the offense of drinking in public if that person consumes any alcoholic beverages in any public place, on any highway, or street, or upon any passenger coach, streetcar, or in or upon any vehicle commonly used for the transportation of passengers, or in or about any depot, platform, waiting station or room, or other public place other than a place of business licensed to sell alcoholic beverages for consumption on the premises.

(d) Drinking in public is a Class C misdemeanor.

(e) The provisions of this section shall not be construed to prohibit or restrict the consumption of alcoholic beverages when consumed as a part of a recognized religious ceremony or ritual.

(f) No person shall be charged with the offense of public intoxication

unless there was one-tenth of one percent (0.10%) or more by weight of alcohol in the person's blood at the time the offense was committed as determined by a chemical test of the person's blood, urine, breath, or other bodily substance."

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

SECTION 3. All laws and parts of laws in conflict with this act are hereby repealed.