

As Engrossed: 3/12/91

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

A Bill

HOUSE BILL 1636

For An Act To Be Entitled

8 "AN ACT TO AMEND ARKANSAS CODE ANNOTATED §3-3-205 TO
9 INCREASE THE PENALTIES FOR SELLING INTOXICATING ALCOHOLIC
10 LIQUOR WITHOUT A VALID LICENSE; AND FOR OTHER PURPOSES."

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

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14 SECTION 1. Arkansas Code Annotated §3-3-205 is amended to read as
15 follows:

16 "3-3-205. Sale or possession without license.

17 (a) Any person who shall sell, barter, exchange, or give any
18 intoxicating alcoholic liquor without having a valid license as provided by
19 this act shall, in addition to losing his license, be deemed guilty of a Class
20 A misdemeanor, and upon conviction shall be fined not less than five hundred
21 dollars (\$500.00) nor more than one thousand dollars (\$1000.00), or imprisoned
22 for not exceeding one (1) year, or both so fined and imprisoned in the
23 discretion of the court or jury.

24 (b) Any person who has in his possession intoxicating alcoholic liquor
25 not obtained under, and in conformity with, the provisions of this act shall
26 be deemed guilty of a Class A misdemeanor and shall, upon conviction, be fined
27 not less than five hundred dollars (\$500.00) nor more than one thousand
28 dollars (\$1000.00) or imprisoned for not exceeding one (1) year, or both so
29 fined and imprisoned in the discretion of the court or jury.

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

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

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

1 of his license.

2 (f) Any person found guilty a second time *within a three (3) year*
3 *period* shall be fined not less than one thousand dollars (\$1000.00) or
4 confined in the county jail not less than one (1) month, or both so fined and
5 imprisoned within the discretion of the court or jury."

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

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11 SECTION 3. If any provision of this act or the application thereof to
12 any person or circumstance is held invalid, such invalidity shall not affect
13 other provisions or applications of the act which can be given effect without
14 the invalid provision or application, and to this end the provisions of this
15 act are declared to be severable.

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17 SECTION 4. All laws and parts of laws in conflict with this act are
18 hereby repealed.

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20 /s/ William Walker
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