

1 State of Arkansas
2 81st General Assembly
3 Regular Session, 1997
4
5 By: Senator Wyrick
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7

A Bill

SENATE BILL 646

For An Act To Be Entitled

9 "AN ACT TO AMEND ARKANSAS CODE 3-3-205 TO CLARIFY THE
10 PENALTY FOR SALE OR POSSESSION OF AN INTOXICATING
11 ALCOHOLIC LIQUOR WITHOUT A LICENSE; AND FOR OTHER
12 PURPOSES."
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Subtitle

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16 "AN ACT TO CLARIFY THE PENALTY FOR SALE
17 OR POSSESSION OF AN INTOXICATING
18 ALCOHOLIC LIQUOR WITHOUT A LICENSE."
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21 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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23 SECTION 1. Arkansas Code 3-3-205 is amended to read as follows:

24 ~~3-3-205.~~ Sale or possession without license.

25 (a) Any person who shall sell, barter, exchange, or give any
26 intoxicating alcoholic liquor without having a valid license as provided by
27 this act shall, in addition to losing his license, be deemed guilty of a Class
28 A misdemeanor, and upon conviction shall be fined not less than five hundred
29 dollars (\$500) nor more than one thousand dollars (\$1000), or imprisoned for
30 not exceeding one (1) year, or both so fined and imprisoned in the discretion
31 of the court or jury.

32 (b) Any person who has in his possession intoxicating alcoholic liquor
33 not obtained under, and in conformity with, the provisions of this act shall
34 be deemed guilty of a Class A misdemeanor and shall, upon conviction, be fined
35 not less than five hundred dollars (\$500) nor more than one thousand dollars
36 (\$1000) or imprisoned for not exceeding one (1) year, or both so fined and

1 imprisoned in the discretion of the court or jury.

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

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

7 (e) Nothing herein contained shall relieve any licensee from forfeiture
8 of his license.

9 (f) ~~[As amended by Acts 1991, No. 498, § 1.]~~ (1) Any person found
10 guilty a second time of subsection (b) of this section shall be fined not less
11 than fifty dollars (\$50.00) nor more than five hundred dollars (\$500), or
12 confined in the county jail not less than one (1) month nor more than six (6)
13 months, or both so fined and imprisoned within the discretion of the court or
14 jury.

15 (2) Any person found guilty of a second violation of subsection (a)
16 within a period of three (3) years shall be deemed guilty of a Class A
17 misdemeanor. Any person found guilty of a third or subsequent violation of
18 subsection (a) of this section within a period of three (3) years shall be
19 deemed guilty of a Class D felony.

20 ~~—— (f) [As amended by Acts 1991, No. 577, § 1.] Any person found guilty a~~
21 ~~second time within a three-year period shall be fined not less than one~~
22 ~~thousand dollars (\$1000), or confined in the county jail not less than one (1)~~
23 ~~month, or both so fined and imprisoned within the discretion of the court or~~
24 ~~jury.~~

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

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30 SECTION 3. If any provision of this act or the application thereof to
31 any person or circumstance is held invalid, such invalidity shall not affect
32 other provisions or applications of the act which can be given effect without
33 the invalid provision or application, and to this end the provisions of this
34 act are declared to be severable.

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36 SECTION 4. All laws and parts of laws in conflict with this act are

1 hereby repealed.

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