

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 85th General Assembly
3 Regular Session, 2005
4
5 By: Representative Key
6 By: Senator Womack
7
8

A Bill

HOUSE BILL 1769

For An Act To Be Entitled

10 AN ACT TO PROVIDE ENHANCED PENALTIES IN CERTAIN
11 CIRCUMSTANCES FOR FURNISHING AN ALCOHOLIC
12 BEVERAGE TO A PERSON UNDER TWENTY-ONE (21) YEARS
13 OF AGE IF A MOTOR VEHICLE ACCIDENT IS PROXIMATELY
14 CAUSED BY CONSUMPTION OF THE ALCOHOLIC BEVERAGE;
15 AND FOR OTHER PURPOSES.

Subtitle

17 AN ACT TO PROVIDE ENHANCED PENALTIES IN
18 CERTAIN CIRCUMSTANCES FOR FURNISHING AN
19 ALCOHOLIC BEVERAGE TO A PERSON UNDER
20 TWENTY-ONE (21) YEARS OF AGE IF A MOTOR
21 VEHICLE ACCIDENT IS PROXIMATELY CAUSED
22 BY CONSUMPTION OF THE BEVERAGE.
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26 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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28 SECTION 1. Arkansas Code § 3-3-202 is amended to read as follows:

29 3-3-202. Knowingly furnishing or selling to minor.

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

35 (2)(A) Except as provided in subdivision (a)(2)(B) of this
36 section, Any any person violating this subsection shall, upon a first



1 conviction, be deemed guilty of a Class A misdemeanor and shall be fined not
2 more than five hundred dollars (\$500) or imprisoned for not more than ten
3 (10) days, or both fined and imprisoned. Upon a second conviction within
4 three (3) years, a person violating this section shall be deemed guilty of a
5 Class D felony and may be imprisoned in the Department of ~~Corrections~~
6 Correction for not less than one (1) year nor more than five (5) years and
7 shall be fined not more than five hundred dollars (\$500), or both.

8 (B) Any person violating the provisions of subdivision
9 (a)(1) of this section shall be subject to enhanced penalties if consumption
10 of the alcoholic beverage furnished to the person under twenty-one (21) years
11 of age proximately caused a motor vehicle accident, as follows:

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

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

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

23 (2)(A) Any person violating this subsection shall, upon a first
24 conviction, be deemed guilty of a Class D felony and shall be punished as
25 provided by law.

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

29 (c)(1) A warning notice that includes the provisions of subsections
30 (a) and (b) of this section shall be posted in public view in each place of
31 business where alcoholic beverages are sold.

32 (2) The warning notice shall be posted in a manner prescribed by
33 the Alcoholic Beverage Control Board.

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