

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: Senator Womack
6 By: Representative Key
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As Engrossed: S3/29/05

A Bill

SENATE BILL 444

For An Act To Be Entitled

10 AN ACT TO PROVIDE THAT A SELLER OF ALCOHOLIC
11 BEVERAGES OR THE SELLER'S EMPLOYEE MAY DETAIN A
12 PERSON UNDER TWENTY-ONE (21) YEARS OF AGE FOR
13 ATTEMPTING TO PURCHASE ALCOHOL WITH FALSE
14 IDENTIFICATION; TO AUTHORIZE A WARRANTLESS ARREST
15 OF A PERSON UNDER TWENTY-ONE (21) YEARS OF AGE
16 FOR ATTEMPTING TO PURCHASE ALCOHOL WITH FALSE
17 IDENTIFICATION; AND FOR OTHER PURPOSES.

Subtitle

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20 AN ACT TO PROVIDE FOR DETENTION OF A
21 PERSON UNDER TWENTY-ONE (21) YEARS FOR
22 ATTEMPTING TO PURCHASE ALCOHOL WITH
23 FALSE IDENTIFICATION AND TO AUTHORIZE AN
24 ARREST FOR AN ATTEMPTED PURCHASE OF
25 ALCOHOL WITH FALSE IDENTIFICATION.
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28 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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30 SECTION 1. Arkansas Code § 5-27-503 is amended to read as follows:

31 5-27-503. Possession of fraudulent or altered personal identification
32 document unlawful.

33 (a) It shall be unlawful for:

34 (1) A person to possess a fraudulent or altered personal
35 identification document for the purpose of providing a person under age
36 twenty-one (21) identification which can be used for the purpose of



1 purchasing alcoholic beverages or other substances or materials restricted
2 for adult purchase or possession in accordance with existing law;

3 (2) A person under age twenty-one (21) to possess a fraudulent
4 or altered personal identification document which can be used for the purpose
5 of purchasing alcoholic beverages or other substances or materials restricted
6 for adult purchase or possession in accordance with existing law; or

7 (3)(A)(i) A person under age twenty-one (21) to attempt to
8 purchase alcoholic beverages or use a fraudulent or altered personal
9 identification document for the purpose of purchasing alcoholic beverages
10 illegally or other materials or substances restricted to adult purchase or
11 possession under existing law.

12 (ii) If a seller of alcoholic beverages or the
13 seller's employee has reasonable cause to believe that a person has violated
14 the provisions of subdivision (a)(3)(A)(i) of this section, the person may be
15 detained in a reasonable manner and for a reasonable length of time by the
16 seller of alcoholic beverages or the seller's employee in order that the
17 seller of alcoholic beverages or the seller's employee may call for a
18 certified law enforcement officer to conduct an investigation.

19 (iii) The detention authorized under subdivision
20 (a)(3)(A)(ii) of this section shall not include a physical detention.

21 (iv) If the seller of alcoholic beverages or the
22 seller's employee attempts to verify the age of the person attempting to
23 purchase alcoholic beverages by way of photographic identification and
24 complies with the provisions of subdivisions (a)(3)(A)(ii) and (iii) of this
25 section, the detention by a seller of alcoholic beverages or the seller's
26 employee shall not render the seller of alcoholic beverages or the seller's
27 employee criminally or civilly liable for false arrest, false imprisonment,
28 or unlawful detention.

29 (B) After conducting an investigation under subdivision
30 (a)(3)(A)(ii) of this section, and within twenty-four (24) hours of the call
31 from a seller of alcoholic beverages or the seller's employee for the
32 investigation, a certified law enforcement officer may arrest a person
33 without a warrant upon probable cause for believing that the person has
34 violated the provisions of subdivision (a)(3)(A)(i) of this section.

35 (b)(1) A person who violates this section shall be deemed guilty of a
36 Class B misdemeanor.

1 (2) A second or subsequent violation of this section shall be a
2 Class A misdemeanor.

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4 */s/ Womack*
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