

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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A Bill

SENATE BILL 445

For An Act To Be Entitled

AN ACT TO PROVIDE THAT THE PRESENCE OF ALCOHOL IN
THE BODY OF A MINOR CONSTITUTES UNLAWFUL
CONSUMPTION OR POSSESSION; AND FOR OTHER
PURPOSES.

Subtitle

AN ACT TO PROVIDE THAT THE PRESENCE OF
ALCOHOL IN THE BODY OF A MINOR
CONSTITUTES UNLAWFUL CONSUMPTION OR
POSSESSION.

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

SECTION 1. Arkansas Code § 3-3-203 is amended to read as follows:

3-3-203. Purchase, consumption, or possession by minor.

(a)(1) It shall be unlawful for any person under the age of twenty-one (21) years to purchase, consume, or have in his or her possession any intoxicating liquor, wine, or beer.

(2)(A) For the purposes of this section, intoxicating liquor, wine, or beer in the body of a minor shall ~~not be deemed to be~~ establish a rebuttable presumption that the minor has consumed alcohol or has intoxicating liquor, wine, or beer in his or her possession.

(B)(i) As used in this section, "in the body of a minor" means any presence of alcohol within a minor's body resulting from the consumption of an alcoholic beverage.

(ii) The presence of alcohol in a minor's body may



1 be established by evidence that the minor had the odor of an alcoholic
2 beverage on his or her breath and either:

3 (a) Is in possession of or close proximity to
4 a container that has or recently had an alcoholic beverage in it; or

5 (b) Exhibits that he or she is under the
6 influence of alcohol by speech, manner, appearance, behavior, or a lack of
7 coordination.

8 (3) The presumption in subdivision (a)(2) of this section may be
9 overcome by submission of evidence to create a reasonable doubt that the
10 person charged knowingly consumed or possessed any intoxicating liquor, wine,
11 or beer.

12 (4) This section does not apply to an alcoholic beverage given
13 for medical purposes to a minor by a parent, guardian, physician, or dentist.

14 (5) This section does not apply to an alcoholic beverage given
15 to a minor if the alcoholic beverage is being used in connection with
16 religious services.

17 (b) It shall also be unlawful for any adult to purchase on behalf of a
18 person under the age of twenty-one (21) years any intoxicating liquor, wine,
19 or beer.

20 (c) Any person violating this section shall be deemed guilty of a
21 misdemeanor and upon conviction shall be subject to a fine of not less than
22 one hundred dollars (\$100) nor more than five hundred dollars (\$500).

23 (d) In addition to the penalty herein provided, the trial judge or
24 magistrate may impose the following penalty or penalties or any combination
25 thereof:

26 (1) Requiring persons under the age of twenty-one (21) years to
27 write themes or essays on intoxicating liquors, wine, or beer;

28 (2) Placement of a person under the age of twenty-one (21) years
29 under probationary conditions as determined by the court in its reasonable
30 discretion designed as a reasonable and suitable preventive and educational
31 safeguard to prevent future violations of this section by the person.

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