

1 State of Arkansas  
2 88th General Assembly  
3 Regular Session, 2011  
4

# A Bill

SENATE BILL 704

5 By: Senator B. Pritchard  
6

## For An Act To Be Entitled

8 AN ACT TO REINSTATE THE AUTHORITY OF LAW ENFORCEMENT  
9 TO SEIZE THE DRIVER'S LICENSE OF DRIVERS UNDER  
10 EIGHTEEN (18) YEARS OF AGE CHARGED WITH MINOR IN  
11 POSSESSION AS RECOMMENDED BY THE TASK FORCE ON  
12 SUBSTANCE ABUSE PREVENTION; AND FOR OTHER PURPOSES.  
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## Subtitle

15 ACT TO REINSTATE THE AUTHORITY OF LAW  
16 ENFORCEMENT TO SEIZE THE DRIVER'S LICENSE  
17 OF DRIVERS UNDER EIGHTEEN (18) YEARS OF  
18 AGE CHARGED WITH MINOR IN POSSESSION.  
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22 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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24 SECTION 1. DO NOT CODIFY. The General Assembly finds that:

25 (1) The Task Force on Substance Abuse Prevention has the  
26 statutory duty to examine substance abuse prevention strategies and submit an  
27 annual report to the Legislative Council, the interim Senate Committee on  
28 Public Health, Welfare, and Labor, and the interim House Committee on Public  
29 Health, Welfare, and Labor no later than October 1 of each year;

30 (2) In its October 2010 report, the Task Force on Substance  
31 Abuse Prevention recommended that the General Assembly reinstate the  
32 authority of law enforcement to seize the driver's license of drivers under  
33 eighteen (18) years of age charged with minor in possession of alcohol for  
34 the purpose of immediate administrative suspension;

35 (3) The change to the law was made in the 2009 Regular Session  
36 of the Eighty-Seventh General Assembly when juveniles under eighteen (18)



1 years of age were removed from the law related to minor in possession and the  
2 law was made to only apply to persons eighteen (18) years of age or older;

3 (4) The Task Force on Substance Abuse Prevention’s report notes  
4 that the result of the change is that a person seventeen (17) years of age  
5 and a person eighteen (18) years of age who are both charged with minor in  
6 possession will have two (2) different outcomes;

7 (5) The inconsistent outcomes send the mixed message to teenage  
8 drivers under eighteen (18) years of age charged with minor in possession  
9 that they are not subject to the immediate consequence of having their  
10 driver’s license suspended; and

11 (6) The reinstatement of the law before the 2009 Regular Session  
12 of the Eighty-Seventh General Assembly is a necessary change for consistency  
13 and certainty of consequences for all persons under twenty-one (21) years of  
14 age who are charged with minor in possession of alcohol.

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16 SECTION 2. Arkansas Code § 3-3-203(c), regarding the purchase or  
17 possession of alcohol by a minor, is amended to read as follows:

18 (c) ~~A person eighteen (18) years or age or older~~ Any person violating  
19 this section is guilty of a violation and upon conviction shall be subject to  
20 a fine of not less than one hundred dollars (\$100) nor more than five hundred  
21 dollars (\$500).  
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23 SECTION 3. Arkansas Code § 3-3-203(d), regarding the purchase or  
24 possession of alcohol by a minor, is amended to read as follows:

25 (d) In addition to the penalties provided in this section, the trial  
26 judge or magistrate may impose the following penalty or penalties or any  
27 combination thereof:

28 (1) Require a person ~~eighteen (18) years of age or older but~~  
29 under twenty-one (21) years of age to write themes or essays on intoxicating  
30 liquors, wine, or beer; and

31 (2) Place a person ~~eighteen (18) years of age or older but~~ under  
32 twenty-one (21) years of age under probationary conditions as determined by  
33 the court in its reasonable discretion designed as a reasonable and suitable  
34 preventive and educational safeguard to prevent future violations of this  
35 section by the person.  
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1 SECTION 4. Arkansas Code § 3-3-203(e)(1), regarding the purchase or  
 2 possession of alcohol by a minor, is amended to read as follows:

3 (e)(1) In addition to the fine authorized by subsection (c) of this  
 4 section, at the time of arrest of a person ~~eighteen (18) years of age or~~  
 5 ~~older~~ for violation of the provisions of subsection (a) of this section, the  
 6 arrested person shall immediately surrender his or her license, permit, or  
 7 other evidence of driving privilege to the arresting law enforcement officer  
 8 as provided in § 5-65-402.

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 10 SECTION 5. Arkansas Code § 3-3-203(f), regarding the purchase or  
 11 possession of alcohol by a minor, is repealed.

12 ~~(f) A person less than eighteen (18) years of age who violates this~~  
 13 ~~section is subject to the Arkansas Juvenile Code of 1989, § 9-27-301 et seq.~~

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 15 SECTION 6. Arkansas Code § 5-65-402(a)(1)(C), regarding surrender of a  
 16 license or permit to arresting officer, is repealed.

17 ~~(C)(i) If a juvenile, as defined in the Arkansas Juvenile~~  
 18 ~~Code of 1989, § 9-27-301 et seq., is arrested for violating § 3-3-203(a) or §~~  
 19 ~~5-27-503(a)(3), the arresting officer shall issue the juvenile a citation to~~  
 20 ~~appear for a juvenile intake with a juvenile intake officer.~~

21 ~~(ii) The arresting officer shall forward a copy of~~  
 22 ~~the citation and the license, permit, or other evidence of the driving~~  
 23 ~~privilege to the juvenile office before the scheduled juvenile intake.~~

24 ~~(iii) Juveniles subject to the jurisdiction of the~~  
 25 ~~circuit court under § 9-27-301 et seq. shall not be subject to this section,~~  
 26 ~~except as provided in this subdivision (a)(1).~~

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 28 SECTION 7. Arkansas Code § 5-65-402(i), surrender of a license or  
 29 permit to arresting officer, is repealed.

30 ~~(i) Except as provided in subsection (a) of this section, this section~~  
 31 ~~shall not apply to juveniles subject to § 9-27-301 et seq.~~

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