

1 State of Arkansas *As Engrossed: S2/12/15 S2/26/15*

2 90th General Assembly

A Bill

3 Regular Session, 2015

SENATE BILL 161

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5 By: Senators J. Hutchinson, S. Flowers

6 By: Representative D. Whitaker

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For An Act To Be Entitled

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AN ACT TO PROVIDE LIMITED IMMUNITY FROM CRIMINAL

10

PROSECUTION FOR POSSESSION OF ALCOHOL TO PERSONS

11

UNDER TWENTY-ONE YEARS OF AGE WHO ACT RESPONSIBLY

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DURING A MEDICAL EMERGENCY; AND FOR OTHER PURPOSES.

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Subtitle

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TO PROVIDE LIMITED IMMUNITY FROM CRIMINAL

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PROSECUTION FOR POSSESSION OF ALCOHOL TO

18

PERSONS UNDER TWENTY-ONE YEARS OF AGE WHO

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ACT RESPONSIBLY DURING A MEDICAL

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EMERGENCY.

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

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

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

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

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(2) For the purposes of this section, intoxicating liquor, wine, or beer in the body of a person under twenty-one (21) years of age is deemed to be in his or her possession.

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

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(c) A person eighteen (18) years of age or older violating this



1 *section is guilty of a violation and upon conviction shall be subject to a*
2 *fine of not less than one hundred dollars (\$100) nor more than five hundred*
3 *dollars (\$500).*

4 *(d) In addition to the penalties provided in this section, the trial*
5 *judge or magistrate may impose the following penalty or penalties or any*
6 *combination thereof:*

7 *(1) Require a person eighteen (18) years of age or older but*
8 *under twenty-one (21) years of age to write themes or essays on intoxicating*
9 *liquors, wine, or beer; and*

10 *(2) Place a person eighteen (18) years of age or older but under*
11 *twenty-one (21) years of age under probationary conditions as determined by*
12 *the court in its reasonable discretion designed as a reasonable and suitable*
13 *preventive and educational safeguard to prevent future violations of this*
14 *section by the person.*

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

21 *(2)(A) The Office of Driver Services or its designated official*
22 *shall suspend or revoke the driving privilege of the arrested person or shall*
23 *suspend any nonresident driving privilege of the arrested person, as provided*
24 *in § 5-65-402.*

25 *(B) The period of suspension or revocation shall be based*
26 *on the offense that caused the surrender of the arrested person's license,*
27 *permit, or other evidence of driving privilege as described in subdivision*
28 *(e)(1) of this section and the number of any previous offenses as follows:*

29 *(i) Suspension for sixty (60) days for a first*
30 *offense under subsection (a) of this section;*

31 *(ii) Suspension for one hundred twenty (120) days*
32 *for a second offense under subsection (a) of this section; and*

33 *(iii) Suspension for one (1) year for a third or*
34 *subsequent offense under subsection (a) of this section.*

35 *(3) In order to determine the number of previous offenses to*
36 *consider when suspending or revoking the arrested person's driving*

1 *privileges, the office shall consider as a previous offense any conviction*
2 *under subsection (a) of this section which occurred either prior to or after*
3 *August 12, 2005.*

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

7 *(g)(1) A person under twenty-one (21) years of age is immune from*
8 *criminal prosecution under subsection (a) of this section if:*

9 *(A) The person:*

10 *(i) Requested emergency medical assistance in*
11 *response to a medical emergency of another person;*

12 *(ii) Remained on the scene until the emergency*
13 *medical assistance arrived; and*

14 *(iii) Cooperated with emergency medical assistance*
15 *providers and law enforcement personnel during the medical emergency;*

16 *(B) The person is the recipient of emergency medical*
17 *assistance requested under subdivision (g)(1)(A) of this section; or*

18 *(C) The person acted in concert with the person initiating*
19 *contact for emergency medical assistance and met the requirements of*
20 *subdivisions (g)(1)(A)(ii) and (iii) of this section.*

21 *(2) This subsection does not apply if the request for emergency*
22 *medical assistance does not occur until after law enforcement personnel have*
23 *arrived at the scene of the medical emergency.*

24 *(3) The immunity from criminal prosecution provided under this*
25 *section shall not in any way affect a law enforcement officer's or court's*
26 *probable cause determination in regard to another criminal offense.*

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28 */s/J. Hutchinson*
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