

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

4

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*

12

*DURING A MEDICAL EMERGENCY; AND FOR OTHER PURPOSES.*

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## Subtitle

16

*TO PROVIDE LIMITED IMMUNITY FROM CRIMINAL*

17

*PROSECUTION FOR POSSESSION OF ALCOHOL TO*

18

*PERSONS UNDER TWENTY-ONE YEARS OF AGE WHO*

19

*ACT RESPONSIBLY DURING A MEDICAL*

20

*EMERGENCY.*

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22

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:*

26

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

27

*(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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31 **APPROVED: 03/11/2015**