

State of Arkansas  
76th General Assembly  
Regular Session, 1987  
By: Representative Mahony

HOUSE BILL 1894

"AN ACT TO REENACT ACT 1155 OF THE 1976 EXTENDED SESSION [ARK.STAT. 41-2913], WHICH DEFINES AND PRESCRIBES THE PENALTY FOR THE OFFENSE OF DRINKING IN PUBLIC; AND FOR OTHER PURPOSES."

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

SECTION 1. Section 2913 of Act 280 of 1975, as amended by Section 1 of Act 1155 of 1975, Extended Session 1976, the same being Arkansas Statutes Section 41-2913, is hereby amended to read as follows:

"Section 2913. Public Intoxication. (1) A person commits the offense of public intoxication if he appears in a public place manifestly under the influence of alcohol or a controlled substance to the degree and under circumstances such that he is likely to endanger himself or other persons or property, or that he unreasonably annoys persons in his vicinity.

(2) Public intoxication is a class C misdemeanor.

(3) A person commits the offense of drinking in public if such person consumes any alcoholic beverages in any public place, on any highway, or street, or upon any passenger coach, streetcar, or in or upon any vehicle commonly used for the transportation of passengers, or in or about any depot, platform, waiting station or room, or other public place other than a place of business licensed to sell alcoholic beverages for consumption on the premises.

(4) Drinking in public is a class C misdemeanor."

SECTION 2. The provisions of this Act shall not be construed to prohibit or restrict the consumption of alcoholic beverages when consumed as a part of a recognized religious ceremony or ritual.

SECTION 3. All laws and parts of laws in conflict with this Act are hereby repealed.

SECTION 4. It is hereby found and determined by the General Assembly that a question has arisen over the validity of Act 1155 of the Extended Session of 1976; that this Act is a reenactment of the former law; and that the immediate passage of this Act is necessary to clarify the state of the law as to the legality of drinking intoxicating beverages in public places. Therefore, an emergency is hereby declared to exist, and this Act being necessary for the immediate preservation of the public peace, health and safety, shall be in full force and effect from and after its passage and approval.

