

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.

Act 251 of the Regular Session

1 State of Arkansas
2 86th General Assembly
3 Regular Session, 2007
4

As Engrossed: S3/1/07

A Bill

HOUSE BILL 1414

5 By: Representative Allen
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For An Act To Be Entitled

9 AN ACT CONCERNING ALCOHOL EDUCATION PROGRAMS FOR
10 *PERSONS CONVICTED OF DRIVING WHILE INTOXICATED;*
11 *AMENDING ARKANSAS CODE § 20-64-601 CONCERNING THE*
12 *NAME OF THE BUREAU OF ALCOHOL AND DRUG ABUSE*
13 *PREVENTION; AND FOR OTHER PURPOSES.*
14

Subtitle

15 AN ACT CONCERNING ALCOHOL EDUCATION
16 PROGRAMS FOR PERSONS CONVICTED OF
17 *DRIVING WHILE INTOXICATED AND CHANGING*
18 *THE NAME OF THE BUREAU OF ALCOHOL AND*
19 *DRUG ABUSE PREVENTION.*
20
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22

23 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
24

25 *SECTION 1. Arkansas Code § 5-65-109(a), concerning presentence*
26 *screenings and assessment reports, is amended to read as follows:*

27 *(a) The court shall immediately request and the ~~Highway Safety Program~~*
28 *Office of Alcohol and Drug Abuse Prevention or its designee shall provide a*
29 *presentence screening and assessment report of the defendant upon a plea of*
30 *guilty or nolo contendere to or a finding of guilt of violating § 5-65-103 or*
31 *§ 5-65-303.*
32

33 *SECTION 2. Arkansas Code § 5-65-115(a), concerning alcohol treatment*
34 *or education programs, is amended to read as follows:*

35 *(a)(1) Any person whose driving privileges are suspended or revoked*



1 for violating § 5-65-103, § 5-65-303, § 5-65-310, or § 3-3-203 is required to
 2 complete an alcohol education program ~~or an alcoholism treatment program as~~
 3 ~~approved by the Bureau of~~ provided by a contractor with the Office of Alcohol
 4 and Drug Abuse Prevention of the Department of Health and Human Services or a
 5 ~~program required under § 5-65-104(b)(1), in addition to any other penalty~~
 6 ~~provided by law~~ an alcoholism treatment program licensed by the Office of
 7 Alcohol and Drug Abuse Prevention.

8 (2)(A) The alcohol education program may collect a program fee
 9 of up to one hundred twenty-five dollars (\$125) per enrollee to offset
 10 program costs.

11 (B)(i) A person ordered to complete an alcohol education
 12 program ~~or alcoholism treatment program~~ under this section may be required to
 13 pay, in addition to the costs collected for education or treatment, a fee of
 14 up to twenty-five dollars (\$25.00) to offset the additional costs associated
 15 with reporting requirements under this subchapter.

16 (ii) The alcohol education program shall report
 17 ~~semiannually~~ monthly to the ~~bureau~~ office all revenue derived from this fee.

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 19
 20 SECTION 3. Arkansas Code § 5-65-307 is amended to read as follows:

21 5-65-307. Alcohol and driving education program.

22 (a)(1)(A) Any ~~underage~~ person who has his or her driving privileges
 23 suspended, revoked, or denied for violating § 3-3-203, § 5-65-310, or § 5-65-
 24 303 is required to complete an alcohol and driving education program for
 25 underage drivers as prescribed and approved by the ~~Bureau~~ Office of Alcohol
 26 and Drug Abuse Prevention of the Division of Behavioral Health Services of
 27 the Department of Health and Human Services or an alcoholism treatment
 28 program licensed by the Office of Alcohol and Drug Abuse Prevention, or both,
 29 in addition to any other penalty provided in this ~~subchapter~~ chapter.

30 (B) If during the period of suspension or revocation in subdivision
 31 (a)(1)(A) of this section the underage person commits an additional violation
 32 of § § 3-3-203 or 5-65-303, the underage person is also required to complete
 33 an approved alcohol and driving education program or alcoholism treatment
 34 program for each additional violation.

35 (2) The ~~bureau~~ Office of Alcohol and Drug Abuse Prevention shall
 36 approve only those programs in alcohol and driving education that are

1 targeted at the underage driving group and are intended to intervene and
2 prevent repeat occurrences of driving under the influence or driving while
3 intoxicated.

4 (3)(A)(i) The alcohol and driving education program may collect
5 a program fee of up to one hundred twenty-five dollars (\$125) per enrollee to
6 offset program costs.

7 (ii) An underage person ordered to complete an
8 alcohol and driving education program or an alcoholism treatment program
9 under this section may be required to pay, in addition to the costs collected
10 for the program, a fee of up to twenty-five dollars (\$25.00) to offset the
11 additional costs associated with reporting requirements under this
12 subchapter.

13 (B) An approved alcohol and driving education program
14 shall report ~~semiannually~~ monthly to the ~~bureau~~ Office of Alcohol and Drug
15 Abuse Prevention all revenue derived from these fees.

16 (b) Prior to reinstatement of a driver's license suspended or revoked
17 under this subchapter, the driver shall furnish proof of attendance at and
18 completion of the alcohol and driving education program or alcoholism
19 treatment program required under subdivision (a)(1) of this section.

20 (c) The ~~bureau~~ Office of Alcohol and Drug Abuse Prevention may
21 promulgate rules ~~and regulations~~ reasonably necessary to carry out the
22 purposes of this section regarding the approval and monitoring of the alcohol
23 and driving education programs.

24 (d)(1)(A) A person whose license is suspended or revoked for violating
25 § 5-65-303 or § 5-65-310 shall:

26 (i) Both:

27 (a) Furnish proof of attendance at and completion of the alcohol and
28 driving education program or alcoholism treatment program required under
29 subdivision (a)(1) of this section before reinstatement of his or her
30 suspended or revoked driver's license; and

31 (b) Pay any fee for reinstatement required under § 5-65-119 or § 5-65-
32 304; or

33 (ii) Furnish proof of dismissal or acquittal of the
34 charge on which the suspension or revocation is based.

35 (B) An application for reinstatement shall be made to the
36 Office of Driver Services.

