1	State of Arkansas	As Engrossed: H3/21/03 S4/1/03	
2	84th General Assembly	A Bill	Act 1267 of 2003
3	Regular Session, 2003		HOUSE BILL 2399
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5	By: Representative Roebuck		
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8	For An Act To Be Entitled		
9	AN ACT TO AMEND LAWS RELATED TO THE UNLAWFUL		
10	OPERATION OF AIRCRAFT WHILE INTOXICATED TO COVER		
11	CERTAIN COMMERCIAL AIRLINE SITUATIONS; AND FOR		
12	OTHER I	PURPOSES.	
13			
14	Subtitle		
15	TO AMEND LAWS RELATED TO THE UNLAWFUL		
16	OPERATION OF AIRCRAFT WHILE INTOXICATED		
17	TO COVER CERTAIN COMMERCIAL AIRLINE		
18	SITU	JATIONS.	
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21	BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:		
22			
23	SECTION 1. Ark	ansas Code § 5-75-102 is amended to	o read as follows:
24	5-75-102. Unla	wful acts.	
25	(a) <u>(l)</u>	nlawful and punishable as provided	in this chapter for
26	any person who is intoxicated to operate, navigate, or be in actual physical		
27	control of any aircraft.		
28	<del>(b)</del> (2) I	t is unlawful and punishable as pro	ovided in this chapter
29	for any person to operate, navigate, or be in actual physical control of any		
30	aircraft if at that time there was an alcohol concentration of four-		
31	hundredths (0.04) or more in the person's breath or blood as determined by a		
32	chemical test of the person's blood, urine, breath, or other bodily		
33	substance.		
34	<u>(3) It i</u>	s unlawful and punishable as provid	<u>led in this chapter</u>
35	for any person who is at an airport to perform his or her duties as a member		
36	of the flight crew of	an aircraft and who has an alcohol	l concentration of

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- 1 four-hundredths (0.04) or more in the person's breath or blood as determined
- 2 by a chemical test of the person's blood, urine, breath, or other bodily
- 3 <u>substance</u>, to:
- 4 (A) Present himself or herself at the security checkpoint
- 5 at the airport, at the security identification area, or at an aircraft ramp;
- 6 <u>or</u>
- 7 <u>(B) Plan and accept flight documents at the ticket counter</u>
- 8 or gate.
- 9  $\frac{(c)(1)}{(b)(1)}$  Any person who pleads guilty or nolo contendere to, or is
- 10 found guilty of, violating subsection (a)  $\frac{\partial f}{\partial x}$  of this section shall be
- 11 guilty of a Class A misdemeanor.
- 12 (2) For a second offense occurring within one (1) year, any
- 13 person who pleads guilty or, nolo contendere to, or is found guilty of,
- 14 violating subsection (a) or (b) of this section shall be guilty of a Class D
- 15 felony.
- 16 (3) Any person who pleads guilty or nolo contendere to, or is
- 17 found guilty of, violating subsection (a) of this section and who at the time
- 18 of the offense was a flight crew member and was in possession of a weapon
- 19 shall be guilty of a Class D felony.
- 20  $\frac{(d)(1)}{(c)(1)}$  If a person under arrest for violating subsection (a) or
- 21 (b) of this section refuses upon the request of a law enforcement officer to
- 22 submit to a chemical test as provided in § 5-75-103, none shall be given;
- 23 however, any person who refuses to submit to a chemical test as provided for
- in § 5-75-103 shall be guilty of a Class A misdemeanor.
- 25 (2) For a second offense occurring within one (1) year, any
- 26 person who refuses to submit to a chemical test as provided for in § 5-75-103
- 27 shall be guilty of a Class D felony.
- 28 (e)(d) A complete report of all arrests and convictions made under the
- 29 provisions of this chapter shall be forwarded to the Federal Aviation
- 30 Administration or any other agency responsible for the licensing of pilots or
- 31 navigators.

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- 33 SECTION 2. Arkansas Code § 5-73-120(c), concerning defenses to the
- 34 offense of carrying a weapon, is amended to read as follows:
- 35 (c) It is a defense to a prosecution under this section that at the
- 36 time of the act of carrying:

1	(1) The person is in his own dwelling, place of business, or on		
2	property in which he has a possessory or proprietary interest; or		
3	(2) The person is a law enforcement officer, prison guard, or		
4	member of the armed forces, acting in the course and scope of his official		
5	duties; or		
6	(3) The person is assisting a law enforcement officer, prison		
7	guard, or member of the armed forces acting in the course and scope of		
8	official duties pursuant to the direction or request of the law enforcement		
9	officer, prison guard, or member of the armed forces; or		
10	(4) The person is carrying a weapon when upon a journey, unless		
11	the journey is through a commercial airport when presenting at the security		
12	checkpoint in the airport or is in the person's checked baggage and is not a		
13	<pre>lawfully declared weapon; or</pre>		
14	(5) The person is a licensed security guard acting in the course		
15	and scope of his duties; or		
16	(6) The person is hunting game with a handgun which may be		
17	hunted with a handgun under rules and regulations of the Arkansas State Game		
18	and Fish Commission or is en route to or from a hunting area for the purpose		
19	of hunting game with a handgun; or		
20	(7) The person is a certified law enforcement officer; or		
21	(8) The person is in a motor vehicle, and the person has a		
22	license to carry a concealed weapon pursuant to § 5-73-301 et seq.		
23	/s/ Roebuck		
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26	APPROVED: 4/10/2003		
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