

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.

1 State of Arkansas
2 84th General Assembly
3 Regular Session, 2003
4

As Engrossed: S2/6/03
A Bill

Act 129 of 2003
HOUSE BILL 1077

5 By: Representative Verkamp
6
7

For An Act To Be Entitled

9 AN ACT TO AMEND ARKANSAS CODE § 5-65-109 TO ALLOW
10 SENTENCING FOR DWI TO PROCEED IF RECEIPT OF THE
11 PRESENTENCE REPORT HAS BEEN DELAYED BY THE
12 DEFENDANT; AND FOR OTHER PURPOSES.
13

Subtitle

14 AN ACT TO AMEND ARKANSAS CODE § 5-65-109
15 TO ALLOW SENTENCING FOR DWI TO PROCEED
16 IF RECEIPT OF THE PRESENTENCE REPORT HAS
17 BEEN DELAYED BY THE DEFENDANT.
18
19
20

21 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
22

23 SECTION 1. Arkansas Code § 5-65-109 is amended to read as follows:
24 5-65-109. Presentencing report.

25 (a) Upon a plea of guilty or nolo contendere to or a finding of guilt
26 of violating § 5-65-103, the court shall immediately request, and the Highway
27 Safety Program or its designee shall provide, a presentence screening and
28 assessment report of the defendant.

29 (b)(1) The presentence report shall be provided within thirty (30)
30 days of the request, and the court shall not pronounce sentence until receipt
31 of the presentence report.

32 (2)(A) After entry of a plea of guilty, nolo contendere, or a
33 finding of guilt, if the sentencing of the defendant is delayed by the
34 defendant, the clerk shall notify the defendant by first class mail to the
35 defendant's last known address that the defendant has fifteen (15) days to
36 appear and show cause for failing to appear for sentencing.



1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36

*(B) After expiration of the fifteen (15) days, the court
may proceed with sentencing even in the absence of the defendant.*

(c) The report shall include, but not be limited to, the offender's driving record, an alcohol problem assessment, and a victim impact statement where applicable.

/s/ Verkamp

APPROVED: 2/17/2003