

**ARKANSAS SENATE**  
84th General Assembly - Regular Session, 2003  
**Amendment Form**

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**Subtitle of House Bill No. 2399**

"TO AMEND LAWS RELATED TO THE UNLAWFUL OPERATION OF AIRCRAFT WHILE  
INTOXICATED TO COVER CERTAIN COMMERCIAL AIRLINE SITUATIONS."

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**Amendment No. 1 to House Bill No. 2399.**

Amend House Bill No. 2399 as engrossed, H3/21/03:

*Delete Sections 1 and 2 of the bill and substitute the following:*

*"SECTION 1. Arkansas Code § 5-75-102 is amended to read as follows:  
5-75-102. Unlawful acts.*

*(a)(1) It is unlawful and punishable as provided in this chapter for any person who is intoxicated to operate, navigate, or be in actual physical control of any aircraft.*

*(b)(2) It is unlawful and punishable as provided in this chapter for any person to operate, navigate, or be in actual physical control of any aircraft if at that time there was an alcohol concentration of four-hundredths (0.04) or more in the person's breath or blood as determined by a chemical test of the person's blood, urine, breath, or other bodily substance.*

*(3) It is unlawful and punishable as provided in this chapter for any person who is at an airport to perform his or her duties as a member of the flight crew of an aircraft and who has an alcohol concentration of four-hundredths (0.04) or more in the person's breath or blood as determined by a chemical test of the person's blood, urine, breath, or other bodily substance, to:*

*(A) Present himself or herself at the security checkpoint at the airport, at the security identification area, or at an aircraft ramp;*  
*or*

*(B) Plan and accept flight documents at the ticket counter or gate.*

*(c)(1)(b)(1) Any person who pleads guilty or nolo contendere to, or is found guilty of, violating subsection (a) ~~or (b)~~ of this section shall be guilty of a Class A misdemeanor.*

*(2) For a second offense occurring within one (1) year, any person who pleads guilty or, nolo contendere to, or is found guilty of, violating subsection (a) ~~or (b)~~ of this section shall be guilty of a Class D felony.*

*(3) Any person who pleads guilty or nolo contendere to, or is*



found guilty of, violating subsection (a) of this section and who at the time of the offense was a flight crew member and was in possession of a weapon shall be guilty of a Class D felony.

(d)(1)(c)(1) If a person under arrest for violating subsection (a) or (b) of this section refuses upon the request of a law enforcement officer to submit to a chemical test as provided in § 5-75-103, none shall be given; 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.

(2) For a second offense occurring within one (1) year, any person who refuses to submit to a chemical test as provided for in § 5-75-103 shall be guilty of a Class D felony.

(e)(d) A complete report of all arrests and convictions made under the provisions of this chapter shall be forwarded to the Federal Aviation Administration or any other agency responsible for the licensing of pilots or navigators.”

AND

Page 3, line 11 delete “SECTION 3.” and substitute “SECTION 2.”

The Amendment was read the first time, rules suspended and read the second time and \_\_\_\_\_

By: Senator Bisbee  
JDF/CDS - 032820030817  
CDS463

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Secretary