

1 **State of Arkansas**
2 **78th General Assembly**
3 **Regular Session, 1991**
4 **By: Senator Ross**

A Bill

SENATE BILL

For An Act To Be Entitled

8 "AN ACT TO AMEND ARKANSAS CODE ANNOTATED §5-65-101 AND §5-
9 65-111 TO CHANGE PENALTIES AND INCREASE THE TIME
10 REQUIREMENT IN DETERMINING PRIOR OFFENSES TO FIVE (5)
11 YEARS FOR DWI; AND FOR OTHER PURPOSES."

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

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15 SECTION 1. Arkansas Code Annotated §5-65-101 is amended to read as
16 follows:

17 "5-65-101. Omnibus DWI Act - Application.

18 (a) This act shall be known as the 'Omnibus DWI Act.'

19 (b) The provisions of this act shall govern the prosecution and
20 administrative proceedings for offenses defined by this act and committed
21 after March 21, 1983.

22 (c) The provisions of this act do not apply to offenses committed prior
23 to March 21, 1983. Those offenses shall be construed and punished in
24 accordance with the law existing at the time of the commission of the offense.
25 However, all pleas of guilty and nolo contendere and all findings of guilty
26 of driving while intoxicated within five (5) years prior to March 21, 1983,
27 shall be counted in determining the number of prior offenses for the purposes
28 of enhancing the penalties provided by this act for violating 5-65-103."

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30 SECTION 2. Arkansas Code Annotated §5-65-111 is amended to read as
31 follows:

32 "5-65-111. Prison terms - Exception.

33 (a) Any person who pleads guilty, nolo contendere, or is found guilty
34 of violating 5-65-103 may, for a first offense, be imprisoned for no less than
35 twenty-four (24) hours and no more than one (1) year, except that the court

1 may order a minimum of ten (10) days of public service in lieu of jail, and,
2 in such instance, the court shall include the reasons therefor in its written
3 order or judgment.

4 (b) Any person who pleads guilty, nolo contendere, or is found guilty
5 of violating 5-65-103 shall be imprisoned:

6 (1) For no less than seven (7) days, forty-eight (48) hours of
7 which must be served consecutively, and no more than one (1) year for the
8 second offense occurring within five (5) years of the first offense, except
9 the court may order a minimum of ten (10) days of public service in lieu of
10 jail, and, in such instance, the court shall include the reasons therefor in
11 its written order or judgement;

12 (2) For no less than ninety (90) days nor more than one (1) year
13 for the third offense occurring within five (5) years of the first offense;

14 (3) For at least one (1) year but no more than six (6) years for
15 the fourth or subsequent offense occurring within five (5) years of the first
16 offense and shall be guilty of a felony."

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18 SECTION 3. All provisions of this act of a general and permanent nature
19 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code
20 Revision Commission shall incorporate the same in the Code.

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22 SECTION 4. If any provision of this act or the application thereof to
23 any person or circumstance is held invalid, such invalidity shall not affect
24 other provisions or applications of the act which can be given effect without
25 the invalid provision or application, and to this end the provisions of this
26 act are declared to be severable.

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28 SECTION 5. All laws and parts of laws in conflict with this act are
29 hereby repealed.

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