

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

A Bill

HOUSE BILL 1077

5 By: Representative Verkamp
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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.
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21 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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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) If receipt of the presentence report or the sentencing of
33 the defendant is delayed by the defendant, then the court may proceed with
34 sentencing thirty (30) days after entry of the plea of guilty or nolo
35 contendere, or the finding of guilt, regardless of the ability to notify the
36 defendant or to have the defendant present at the sentencing.



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

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