

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

# A Bill

HOUSE BILL 1981

4  
5 By: Representative Penix  
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## For An Act To Be Entitled

8  
9 AN ACT TO ENHANCE THE PENALTY FOR DRIVING WHILE  
10 INTOXICATED IF A CHILD IS IN THE VEHICLE; AND FOR  
11 OTHER PURPOSES.  
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## Subtitle

14  
15 AN ACT TO ENHANCE THE PENALTY FOR  
16 DRIVING WHILE INTOXICATED IF A CHILD IS  
17 IN THE VEHICLE.  
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20 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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22 SECTION 1. Arkansas Code § 5-65-111(a) and (b), concerning prison  
23 terms under the Omnibus DWI Act, are amended to read as follows:

24 (a)(1) Any person who pleads guilty or nolo contendere to, or is found  
25 guilty of, violating § 5-65-103 may, for a first offense, be imprisoned for  
26 no less than twenty-four (24) hours and no more than one (1) year, except  
27 that the court may order public service in lieu of jail, and, in ~~such~~ that  
28 instance, the court shall include the reasons therefore in its written order  
29 or judgment.

30 (2) However, if a person under sixteen (16) years of age was in  
31 the vehicle at the time of the offense, a person who pleads guilty or nolo  
32 contendere to, or is found guilty of, violating § 5-65-103 may, for a first  
33 offense, be imprisoned for no fewer than seven (7) days and no more than one  
34 (1) year, except that the court may order public service in lieu of jail,  
35 and, in that instance, the court shall include the reasons therefore in its  
36 written order or judgment.



1 (b) Any person who pleads guilty or nolo contendere to, or is found  
 2 guilty of, violating § 5-65-103 or any other equivalent penal law of another  
 3 state or foreign jurisdiction shall be imprisoned or shall be ordered to  
 4 perform public service in lieu of jail as follows:

5 (1)(A) For no fewer than seven (7) days but no more than one (1)  
 6 year for the second offense occurring within five (5) years of the first  
 7 offense or no fewer than thirty (30) days of community service.

8 (B) However, if a person under sixteen (16) years of age  
 9 was in the vehicle at the time of the offense, for no fewer than thirty (30)  
 10 days but no more than one (1) year for the second offense occurring within  
 11 five (5) years of the first offense or no fewer than sixty (60) days of  
 12 community service;

13 (2)(A) For no fewer than ninety (90) days but no more than one  
 14 (1) year for the third offense occurring within five (5) years of the first  
 15 offense or no fewer than ninety (90) days of community service.

16 (B) If a person under sixteen (16) years of age was in the  
 17 vehicle at the time of the offense, for no fewer than one hundred twenty days  
 18 (120) days but no more than one (1) year for the third offense occurring  
 19 within five (5) years of the first offense and no fewer than one hundred  
 20 twenty (120) days of community service;

21 (3)(A) For at least one (1) year but no more than six (6) years  
 22 for the fourth offense occurring within five (5) years of the first offense  
 23 or not less than one (1) year of community service and shall be guilty of a  
 24 felony.

25 (B) However, if a person under sixteen (16) years of age  
 26 was in the vehicle at the time of the offense, for at least two (2) years but  
 27 no more than six (6) years for the fourth offense occurring within five (5)  
 28 years of the first offense or not less than two (2) years of community  
 29 service and shall be guilty of a felony; and

30 (4)(A) For at least two (2) years but no more than ten (10)  
 31 years for the fifth or subsequent offense occurring within five (5) years of  
 32 the first offense or not less than two (2) years of community service and  
 33 shall be guilty of a felony.

34 (B) However, if a person under sixteen (16) years of age  
 35 was in the vehicle at the time of the offense, for at least three (3) years  
 36 but no more than ten (10) years for the fifth offense occurring within five

1 (5) years of the first offense or not less than three (3) years of community  
2 service and shall be guilty of a felony.

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