

*As Engrossed: 3/22/91*

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

**A BILL ACT 899 OF 1991**  
**HOUSE BILL 1729**

**For An Act To Be Entitled**

8 "AN ACT TO AMEND ARKANSAS CODE 5-65-109 PERTAINING TO DWI  
9 PRESENTENCING REPORTS; AND FOR OTHER PURPOSES."

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

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13 SECTION 1. Arkansas Code 5-65-109 is hereby amended to read as follows:

14 "5-65-109. Presentencing report.

15 (a) Upon finding of guilt or a plea of guilty or nolo contendere for  
16 violating 5-65-103, the court shall immediately request and the Arkansas  
17 Highway Safety Program or its designee shall provide a presentence screening  
18 and assessment report of the defendant. *However, in cases where the jury*  
19 *fixes and agrees on punishment pursuant to 5-4-103(a), the decision whether to*  
20 *request a presentence screening and assessment report is discretionary with*  
21 *the court.*

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

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

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29 SECTION 2. All provisions of this Act of a general and permanent nature  
30 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code  
31 Revision Commission shall incorporate the same in the Code.

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33 SECTION 3. If any provision of this Act or the application thereof to  
34 any person or circumstance is held invalid, such invalidity shall not affect  
35 other provisions or applications of the Act which can be given effect without  
36 the invalid provision or application, and to this end the provisions of this

1 Act are declared to be severable.

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3 SECTION 4. All laws and parts of laws in conflict with this Act are  
4 hereby repealed.

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*/s/T. E. Mitchum*

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APPROVED: 3/29/91

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