

Stricken language would be deleted from present law. Underlined language would be added to present law.

1 State of Arkansas
2 81st General Assembly
3 Regular Session, 1997
4

As Engrossed: H3/14/97 S4/1/97

A Bill

ACT 1236 OF 1997
HOUSE BILL 1467

5 By: Representative Ferrell
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For An Act To Be Entitled

9 "AN ACT TO AMEND ARKANSAS CODE ANNOTATED § 5-65-111 TO
10 ALLOW FOR THE ENHANCEMENT OF PENALTIES BASED ON PRIOR
11 CONVICTIONS UNDER THE OMNIBUS DWI ACT TO TAKE INTO
12 CONSIDERATION CONVICTIONS IN OTHER STATES AND FOREIGN
13 JURISDICTIONS; AND FOR OTHER PURPOSES."
14

Subtitle

15 "TO ALLOW FOR THE ENHANCEMENT OF
16 PENALTIES BASED ON PRIOR CONVICTIONS
17 UNDER THE OMNIBUS DWI ACT TO TAKE INTO
18 CONSIDERATION CONVICTIONS IN OTHER
19 STATES AND FOREIGN JURISDICTIONS"
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22 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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24 SECTION 1. Arkansas Code Annotated § 5-65-111 is amended to read as
25 follows:

26 "5-65-111. Prison terms - Exception.

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

32 (b) Any person who pleads guilty, nolo contendere, or is found guilty
33 of violating § 5-65-103 or any other equivalent penal law of another state or
34 foreign jurisdiction shall be imprisoned:

35 (1) For no less than seven (7) days and no more than one (1) year
36 for the second offense occurring within three (3) years of the first offense;

1 (2) For no less than ninety (90) days nor more than one (1) year
2 for the third offense occurring within three (3) years of the first offense;

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

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7 SECTION 2. All provisions of this act of a general and permanent nature
8 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code
9 Revision Commission shall incorporate the same in the Code.

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11 SECTION 3. If any provision of this act or the application thereof to
12 any person or circumstance is held invalid, such invalidity shall not affect
13 other provisions or applications of the act which can be given effect without
14 the invalid provision or application, and to this end the provisions of this
15 act are declared to be severable.

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17 SECTION 4. All laws and parts of laws in conflict with this act are
18 hereby repealed.

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/s/Rep. Ferrell

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APPROVED:4-09-97

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