

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

As Engrossed: H3/21/03 S4/1/03

A Bill

Act 1267 of 2003
HOUSE BILL 2399

5 By: Representative Roebuck
6
7

For An Act To Be Entitled

9 AN ACT TO AMEND LAWS RELATED TO THE UNLAWFUL
10 OPERATION OF AIRCRAFT WHILE INTOXICATED TO COVER
11 CERTAIN COMMERCIAL AIRLINE SITUATIONS; AND FOR
12 OTHER PURPOSES.
13

Subtitle

15 TO AMEND LAWS RELATED TO THE UNLAWFUL
16 OPERATION OF AIRCRAFT WHILE INTOXICATED
17 TO COVER CERTAIN COMMERCIAL AIRLINE
18 SITUATIONS.
19
20

21 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
22

23 *SECTION 1. Arkansas Code § 5-75-102 is amended to read as follows:*
24 *5-75-102. Unlawful acts.*

25 *(a)(1) It is unlawful and punishable as provided in this chapter for*
26 *any person who is intoxicated to operate, navigate, or be in actual physical*
27 *control of any aircraft.*

28 *~~(b)(2)~~ It is unlawful and punishable as provided in this chapter*
29 *for any person to operate, navigate, or be in actual physical control of any*
30 *aircraft if at that time there was an alcohol concentration of four-*
31 *hundredths (0.04) or more in the person's breath or blood as determined by a*
32 *chemical test of the person's blood, urine, breath, or other bodily*
33 *substance.*

34 *(3) It is unlawful and punishable as provided in this chapter*
35 *for any person who is at an airport to perform his or her duties as a member*
36 *of the flight crew of an aircraft and who has an alcohol concentration of*



1 four-hundredths (0.04) or more in the person's breath or blood as determined
 2 by a chemical test of the person's blood, urine, breath, or other bodily
 3 substance, to:

4 (A) Present himself or herself at the security checkpoint
 5 at the airport, at the security identification area, or at an aircraft ramp;
 6 or

7 (B) Plan and accept flight documents at the ticket counter
 8 or gate.

9 ~~(e)(1)(b)(1)~~ Any person who pleads guilty or nolo contendere to, or is
 10 found guilty of, violating subsection (a) ~~or (b)~~ of this section shall be
 11 guilty of a Class A misdemeanor.

12 (2) For a second offense occurring within one (1) year, any
 13 person who pleads guilty or, nolo contendere to, or is found guilty of,
 14 violating subsection (a) ~~or (b)~~ of this section shall be guilty of a Class D
 15 felony.

16 (3) Any person who pleads guilty or nolo contendere to, or is
 17 found guilty of, violating subsection (a) of this section and who at the time
 18 of the offense was a flight crew member and was in possession of a weapon
 19 shall be guilty of a Class D felony.

20 ~~(d)(1)(c)(1)~~ If a person under arrest for violating subsection (a) or
 21 (b) of this section refuses upon the request of a law enforcement officer to
 22 submit to a chemical test as provided in § 5-75-103, none shall be given;
 23 however, any person who refuses to submit to a chemical test as provided for
 24 in § 5-75-103 shall be guilty of a Class A misdemeanor.

25 (2) For a second offense occurring within one (1) year, any
 26 person who refuses to submit to a chemical test as provided for in § 5-75-103
 27 shall be guilty of a Class D felony.

28 ~~(e)(d)~~ A complete report of all arrests and convictions made under the
 29 provisions of this chapter shall be forwarded to the Federal Aviation
 30 Administration or any other agency responsible for the licensing of pilots or
 31 navigators.

32
 33 SECTION 2. Arkansas Code § 5-73-120(c), concerning defenses to the
 34 offense of carrying a weapon, is amended to read as follows:

35 (c) It is a defense to a prosecution under this section that at the
 36 time of the act of carrying:

