

**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.
Act 1461 of the Regular Session**

1 State of Arkansas
2 85th General Assembly
3 Regular Session, 2005
4

A Bill

SENATE BILL 506

5 By: Senator T. Smith
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For An Act To Be Entitled

AN ACT TO INCREASE THE LENGTH OF TIME ALLOWED FOR
TESTING THE AMOUNT OF ALCOHOL IN BLOOD IN CASES
RELATING TO THE OPERATION OF MOTORBOATS WHILE
INTOXICATED; AND FOR OTHER PURPOSES.

Subtitle

AN ACT TO ALLOW FOUR HOURS TO CONDUCT
TESTING TO DETERMINE THE AMOUNT OF
ALCOHOL IN BLOOD.

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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 § 5-76-102(e), pertaining to criminal
23 prosecutions for operation of motorboats while intoxicated, is amended to
24 read as follows:

25 (e)(1) In any criminal prosecution of a person charged with violating
26 subsection (a) of this section, the amount of alcohol in the defendant's
27 blood at the time of or within ~~two (2) hours~~ four (4) hours of the alleged
28 offense, as shown by chemical analysis of the defendant's blood, urine,
29 breath, or other bodily substance, shall give rise to the following:

30 (A) If there was at that time an alcohol concentration of
31 four-hundredths (0.04) or less in the defendant's blood, urine, breath, or
32 other bodily substance, it shall be presumed that the defendant was not under
33 the influence of intoxicating liquor;

34 (B) If there was at that time an alcohol concentration in
35 excess of four-hundredths (0.04) but less than eight-hundredths (0.08) in the



1 defendant's blood, urine, breath, or other bodily substance, this fact shall
2 not give rise to any presumption that the defendant was or was not under the
3 influence of intoxicating liquor, but this fact may be considered with other
4 competent evidence in determining the guilt or innocence of the defendant.

5 (2) The foregoing provisions shall not be construed as limiting
6 the introduction of any other relevant evidence bearing upon the question of
7 whether or not the defendant was intoxicated.

8 (3)(A) The records and reports of certifications, rules,
9 evidence analysis, or other documents pertaining to work performed by the
10 Office of Alcohol Testing of the Department of Health under the authority of
11 this chapter shall be received as competent evidence as to the matters
12 contained therein in the courts of this state, subject to the applicable
13 rules of criminal procedure, when duly attested to by the director or his
14 assistant, in the form of an original signature or by certification of a
15 copy.

16 (B) These documents shall be self-authenticating.
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19 APPROVED: 3/31/2005
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