

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 1004 of the Regular Session

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

A Bill

HOUSE BILL 2326

5 By: Representatives D. Johnson, Thomason
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For An Act To Be Entitled

9 AN ACT CONCERNING THE METHOD OF ANALYSIS USED TO
10 DETERMINE THE PRESENCE OF CONTROLLED SUBSTANCES
11 OR ALCOHOL RELATING TO THE OFFENSE OF NEGLIGENT
12 HOMICIDE; AND FOR OTHER PURPOSES.
13

Subtitle

15 AN ACT CONCERNING THE METHOD OF ANALYSIS
16 USED TO DETERMINE THE PRESENCE OF
17 CONTROLLED SUBSTANCES OR ALCOHOL
18 RELATING TO THE OFFENSE OF NEGLIGENT
19 HOMICIDE.
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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 § 5-10-105 is amended to read as follows:
25 5-10-105. Negligent homicide.

26 (a)(1) A person commits negligent homicide if he or she negligently
27 causes the death of another person, not constituting murder or manslaughter,
28 as a result of operating a vehicle, an aircraft, or a watercraft:

29 (A) While intoxicated; or

30 (B)(i) If at that time there is an alcohol concentration
31 of eight-hundredths (0.08) or more in the person's breath or blood based upon
32 the definition of breath, blood, and urine concentration in § 5-65-204, as
33 determined by a chemical test of the person's blood, urine, breath, or other
34 bodily substance.

35 (ii) The method of analysis of the person's blood,



1 urine, or breath shall be made in accordance with §§ 5-65-204 and 5-65-206.

2 (2) A person who violates subdivision (a)(1) of this section is
3 guilty of a Class C felony.

4 (b)(1) A person commits negligent homicide if he or she negligently
5 causes the death of another person.

6 (2) A person who violates subdivision (b)(1) of this section is
7 guilty of a Class A misdemeanor.

8 (c) For the purpose of this section, "intoxicated" means influenced or
9 affected by the ingestion of alcohol, a controlled substance, any intoxicant,
10 or any combination thereof to such a degree that the driver's reactions,
11 motor skills, and judgment are substantially altered and the driver therefore
12 constitutes a clear and substantial danger of physical injury or death to
13 himself or herself and other motorists or pedestrians.

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16 APPROVED: 3/18/2005
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