

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 423 of the Regular Session

1 State of Arkansas
2 87th General Assembly
3 Regular Session, 2009

As Engrossed: S2/23/09 S2/24/09

A Bill

SENATE BILL 217

4
5 By: Senator Altes
6
7

8 **For An Act To Be Entitled**

9 *AN ACT TO AMEND THE STATUTE REQUIRING A CHEMICAL*
10 *TEST OF THE BLOOD, BREATH, OR URINE OF THE DRIVER*
11 *INVOLVED IN AN ACCIDENT IN WHICH DEATH HAS*
12 *OCCURRED OR IS LIKELY TO OCCUR; AND FOR OTHER*
13 *PURPOSES.*

14
15 **Subtitle**

16 *TO REQUIRE A CHEMICAL TEST OF THE BLOOD,*
17 *BREATH, OR URINE OF THE DRIVER INVOLVED*
18 *IN AN ACCIDENT IN WHICH DEATH HAS*
19 *OCCURRED OR IS LIKELY TO OCCUR.*

20
21
22 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

23
24 *SECTION 1. Arkansas Code § 5-65-208 is amended to read as follows:*

25 *5-65-208. Collisions – Testing required.*

26 *(a)(1) When the driver of a motor vehicle is involved in an accident*
27 *resulting in loss of human life or when there is reason to believe death may*
28 *result, ~~and there exists probable cause to believe that the driver is guilty~~*
29 *~~of a violation of the state's law prohibiting driving while under the~~*
30 *~~influence,~~ in addition to a penalty established elsewhere under state law, a*
31 *chemical test of the driver's blood, breath, or urine shall be administered*
32 *to the driver, even if fatally injured, to determine the presence of and*
33 *percentage of concentration of alcohol or the presence of drugs, or both, in*
34 *the driver's body.*

35 *(b)(1) The ~~police officer~~ law enforcement agency ~~who~~ that ~~responds to~~*



1 investigates the collision, the physician in attendance, or any other person
2 designated by state law ~~who was present when the death occurred~~, shall order
3 the chemical test as soon as practicable.

4 (2)(A) The medical personnel who conducted the chemical test
5 under subsection (a) of this section of the driver's blood, breath, or urine
6 shall forward the results of the chemical test to the Department of Arkansas
7 State Police, and the department shall establish and maintain the results of
8 the analyses required by subsection (a) of this section in a database.

9 (B) The information in the database shall reflect the
10 number of fatal motor vehicle accidents in which:

11 (i) Alcohol was found to be a factor, with the
12 percentage of alcohol concentration involved;

13 (ii) Drugs were found to be a factor, listing the
14 class of drugs so found and their amounts; and

15 (iii) Both alcohol and drugs were found to be
16 factors, with the percentage of alcohol concentration involved, and listing
17 the class of drugs so found and their amounts.

18 (c) The results of the analyses required by this section shall be
19 reported to the department and may be used by state and local officials ~~only~~
20 for statistical purposes that do not reveal the identity of the deceased
21 person or for any law enforcement purpose, including prosecution for the
22 violation of any law.

23 /s/ Altes

24
25 **APPROVED: 3/13/2009**
26
27
28
29
30
31
32
33
34
35
36