

1 State of Arkansas *As Engrossed: S3/28/13 H4/6/13*

2 89th General Assembly

# A Bill

3 Regular Session, 2013

SENATE BILL 1133

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5 By: Senator J. Hutchinson

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## For An Act To Be Entitled

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AN ACT CONCERNING THE PENALTIES FOR THE OFFENSE OF

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DRIVING WHILE INTOXICATED, SIXTH OR SUBSEQUENT

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OFFENSE; AND FOR OTHER PURPOSES.

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## Subtitle

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CONCERNING THE PENALTIES FOR THE OFFENSE

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OF DRIVING WHILE INTOXICATED, SIXTH OR

16

SUBSEQUENT OFFENSE.

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19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

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21 SECTION 1. Arkansas Code § 5-65-111(b)(4)(A)(i), concerning the  
22 penalties for a fifth or subsequent offense of driving while intoxicated, is  
23 amended to read as follows:

24 (4)(A)(i) ~~For~~ Except as provided in § 5-65-122, for at least two  
25 (2) years but no more than ten (10) years for the fifth or subsequent offense  
26 occurring within five (5) years of the first offense or not less than two (2)  
27 years of community service and is guilty of ~~a~~ an unclassified felony.

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29 SECTION 2. Arkansas Code § 5-65-112(3), concerning the fines for a  
30 third or subsequent offense of driving while intoxicated, is amended to read  
31 as follows:

32 (3) ~~No~~ Except as provided in § 5-65-122, no less than nine hundred  
33 dollars (\$900) and no more than five thousand dollars (\$5,000) for the third  
34 or subsequent offense occurring within five (5) years of the first offense.

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36 SECTION 3. Arkansas Code Title 5, Chapter 65, Subchapter 1, is amended



1 to add a new section to read as follows:

2 5-65-122. Driving while intoxicated - Sixth or subsequent offense.

3 (a)(1) A sixth of subsequent offense of violating § 5-65-103 occurring  
4 within ten (10) years of a prior offense is a Class B felony.

5 (2)(A) A person may be sentenced under this section to two (2)  
6 years' community service in lieu of imprisonment or fine unless a person  
7 under sixteen (16) years of age was in the vehicle at the time of the  
8 offense, for which the person may be sentenced under this section to three  
9 (3) years' community service in lieu of imprisonment or fine.

10 (B) If the court orders community service under  
11 subdivision (a)(2)(A) of this section, it shall clearly set forth in written  
12 findings the reasons for the order of community service.

13 (b) The following are considered a prior offense for purposes of  
14 subsection (a) of this section:

15 (1) A prior conviction for violation of a penal law of another  
16 state, federal, or foreign jurisdiction that is equivalent to § 5-65-103; or

17 (2) A prior conviction for violation of § 5-10-105(a)(1)(A) or  
18 (B).

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22 /s/J. Hutchinson

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25 **APPROVED: 04/16/2013**