

1 State of Arkansas *As Engrossed: H3/17/15 H3/20/15 H3/23/15 S3/30/15 S4/1/15*

2 90th General Assembly

A Bill

3 Regular Session, 2015

HOUSE BILL 1645

4

5 By: Representative Bentley

6 By: Senator G. Stubblefield

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For An Act To Be Entitled

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AN ACT TO AUTHORIZE THE ISSUANCE OF A RESTRICTED

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DRIVING PERMIT UPON SUSPENSION OF THE DRIVER'S

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LICENSE OF A SPECIALTY COURT PROGRAM PARTICIPANT; AND

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FOR OTHER PURPOSES.

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Subtitle

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TO AUTHORIZE THE ISSUANCE OF A RESTRICTED

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DRIVING PERMIT UPON SUSPENSION OF THE

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DRIVER'S LICENSE OF A SPECIALTY COURT

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PROGRAM PARTICIPANT.

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

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SECTION 1. Arkansas Code § 27-16-915(a) and (b), concerning the authority of a court to suspend driving privileges upon conviction for a drug offense, are amended to read as follows:

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(a) As used in this section, ~~the term "drug offense" shall have the same meaning ascribed to that term as provided in § 5-64-710;~~

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(1) "Drug offense" has the meaning as provided in § 5-64-710;

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(2) "Specialty court" means one (1) of the following:

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(A) A pre-adjudication program under § 5-4-901 et seq.;

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(B) An approved drug court program under the Arkansas Drug

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Court Act, § 16-98-301 et seq.;

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(C) A probation program under the Swift and Certain

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Accountability on Probation Pilot Program under § 16-93-1701 et seq.; or

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(D) A specialty court program that has been approved by



1 the Supreme Court, including without limitation a specialty court program
 2 known as:

3 (i) A DWI court;

4 (ii) A mental health court;

5 (iii) A veteran's court;

6 (iv) A juvenile drug court;

7 (v) A "HOPE" court; or

8 (vi) A "smarter sentencing" court.

9 (b)(1)(A) ~~Whenever~~ When a person is accepted and enrolled in a court-
 10 approved pre-adjudication specialty court program for an offense involving
 11 the illegal possession or use of a controlled substance, pleads guilty, or
 12 nolo contendere, or is found guilty of any criminal offense involving the
 13 illegal possession or use of controlled substances under the Uniform
 14 Controlled Substances Act, § 5-64-101 et seq., or of any drug offense, in
 15 this state or any other state, the court having jurisdiction of the matter,
 16 including any federal court, shall prepare and transmit to the Department of
 17 Finance and Administration an order to suspend the driving privileges of the
 18 person for six (6) months, provided ~~any such~~ the order regarding a person who
 19 is a holder of a commercial driver's license issued under the Arkansas
 20 Uniform Commercial Driver License Act, § 27-23-101 et seq., or under the laws
 21 of ~~any other~~ another state shall include the suspension of the driving
 22 privileges of that person to drive ~~any~~ a commercial motor vehicle, as the
 23 term "commercial motor vehicle" is defined in § 27-23-103, or as similarly
 24 defined by the laws of any other state, for a period of one (1) year.

25 (B) Courts within the State of Arkansas shall prepare and
 26 transmit ~~all such orders~~ to the department an order within twenty-four (24)
 27 hours after the ~~plea or finding to the department,;~~

28 (i) Plea of guilty or nolo contendere;

29 (ii) Finding of guilt; or

30 (iii) Acceptance and enrollment in a specialty
 31 court.

32 (C) Courts outside Arkansas having jurisdiction over ~~any~~
 33 ~~such~~ a person holding driving privileges issued by the State of Arkansas
 34 shall prepare and transmit ~~such orders~~ an order pursuant to ~~agreements or~~
 35 ~~arrangements~~ an agreement or arrangement entered into between that state and
 36 the Director of the Department of Finance and Administration.

1 (D) ~~Such arrangements or agreements~~ The agreement or
2 arrangement may also provide for the forwarding by the department of ~~orders~~
3 an order issued by ~~courts~~ a court within this state to the state ~~wherein any~~
4 ~~such~~ where the person holds driving privileges issued by that state.

5 (2)(A) ~~For any such person holding driving privileges issued by~~
6 ~~the State of Arkansas, courts within the State of Arkansas in cases of~~
7 ~~extreme and unusual hardship may provide in an order for the issuance of a~~
8 ~~restricted driving permit to allow driving to and from a place of employment~~
9 ~~or to and from any scheduled sessions or meetings of support organizations,~~
10 ~~counseling, education, or treatment for persons who have addiction or abuse~~
11 ~~problems related to any substance or controlled substances.~~ For a person
12 holding driving privileges issued by the State of Arkansas, a court within
13 the State of Arkansas may provide in an order for the issuance of a
14 restricted driving permit to allow driving to and from:

15 (i) A mandatory court appearance;

16 (ii) A mandatory random drug-testing appearance;

17 (iii) A place of employment or as required in the
18 scope of employment;

19 (iv) A scheduled session or meeting of a support or
20 counseling organization;

21 (v) An educational institution for the purpose of
22 attending a class if the person is enrolled in a course of study or program
23 of training at the educational institution;

24 (vi) A treatment program for persons who have
25 addiction or abuse problems related to a substance or controlled substances;

26 (vii) A doctor, hospital, or clinic appointment or
27 admission for medical treatment or care for an illness, disease, or other
28 medical condition of the person or a family member; or

29 (viii) Enrollment, compliance, and participation in
30 a specialty court program if the person is accepted into a specialty court
31 program.

32 (B)(i) Courts within the State of Arkansas shall prepare
33 and transmit to the department an order for a restricted driving permit
34 issued under this section within three (3) business days after the entry of
35 the order.

36 (ii) The department shall transmit to the Arkansas

1 Crime Information Center an order for a restricted driving permit within
2 three (3) business days after receipt of the order from the court.

3 (C) The court shall not issue a restricted driving permit
4 under subdivision (b)(2)(A) of this section if the person's driving
5 privileges are subject to:

6 (i) A revocation in the State of Arkansas or another
7 State;

8 (ii) A suspension wherein a court has prohibited the
9 issuance of a restricted driving permit;

10 (iii) A suspension for an offense committed outside
11 of the State of Arkansas where the person is restricted to the use of an
12 ignition interlock device; or

13 (iv) A suspension under:

14 (a) Section 5-65-104;

15 (b) Section 5-65-205;

16 (c) Section 5-65-304;

17 (d) Section 5-65-310;

18 (e) Section 9-14-239;

19 (f) Section 27-16-905;

20 (g) Section 27-16-907(b)(4) - (6);

21 (h) Section 27-16-908;

22 (i) Section 27-16-909;

23 (j) Section 27-19-610;

24 (k) Section 27-19-707, unless the judgment
25 creditor has furnished written consent to allow a restricted driving permit;
26 or

27 (l) The Arkansas Uniform Commercial Driver
28 License Act, 27-23-103 et seq.

29 (D) The court shall not issue a restricted permit to
30 operate a commercial motor vehicle.

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32 /s/Bentley

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35 APPROVED: 04/08/2015