

1 State of Arkansas
2 91st General Assembly
3 Regular Session, 2017
4

As Engrossed: H3/7/17
A Bill

HOUSE BILL 1668

5 By: Representative Lemons
6 By: Senator T. Garner
7

8 **For An Act To Be Entitled**

9 AN ACT CONCERNING THE OFFENSE OF DRIVING OR BOATING
10 WHILE INTOXICATED; CONCERNING THE DISPOSITION OF A
11 DEFENDANT CONVICTED OF DRIVING OR BOATING WHILE
12 INTOXICATED; AND FOR OTHER PURPOSES.
13

14 **Subtitle**

15 CONCERNING THE OFFENSE OF DRIVING OR
16 BOATING WHILE INTOXICATED; AND CONCERNING
17 THE DISPOSITION OF A DEFENDANT CONVICTED
18 OF DRIVING OR BOATING WHILE INTOXICATED.
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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 § 5-65-111(d) through (f), concerning the
25 sentencing range for a felony offense of driving or boating while
26 intoxicated, is amended to read as follows:

27 (d)~~(1)~~ A person who pleads guilty or nolo contendere to or is found
28 guilty of violating § 5-65-103 for a fourth offense occurring within five (5)
29 years of the first offense is upon conviction guilty of an unclassified
30 felony and may be imprisoned for not less than:

31 ~~(A)~~(1) One (1) year but no more than six (6) years; or
32 ~~(B)~~(2) Two (2) years but no more than six (6) years if a
33 passenger under sixteen (16) years of age was in the motor vehicle or
34 motorboat at the time of the offense.

35 ~~(2) The court may order public service instead of imprisonment~~
36 ~~in the following manner, and if the court orders public service, the court~~



1 ~~shall include the reasons for the order of public service instead of~~
2 ~~imprisonment in its written order or judgment.~~

3 ~~(A) Not less than one (1) year but no more than six (6)~~
4 ~~years; or~~

5 ~~(B) Not less than two (2) years but no more than six (6)~~
6 ~~years if a passenger under sixteen (16) years of age was in the motor vehicle~~
7 ~~or motorboat at the time of the offense.~~

8 (e)~~(1)~~ A person who pleads guilty or nolo contendere to or is found
9 guilty of violating § 5-65-103 for a fifth or subsequent offense occurring
10 within five (5) years of the first offense is upon conviction guilty of an
11 unclassified felony and may be imprisoned for no fewer than:

12 ~~(A)(1)~~ Two (2) years but no more than ten (10) years; or

13 ~~(B)(2)~~ Three (3) years but no more than ten (10) years if a
14 passenger under sixteen (16) years of age was in the motor vehicle or
15 motorboat at the time of the offense.

16 ~~(2) The court may order public service instead of imprisonment~~
17 ~~in the following manner, and if the court orders public service, the court~~
18 ~~shall include the reasons for the order of public service instead of~~
19 ~~imprisonment in its written order or judgment.~~

20 ~~(A) Not less than two (2) years but no more than ten (10)~~
21 ~~years; or~~

22 ~~(B) Not less than three (3) years but no more than ten~~
23 ~~(10) years if a passenger under sixteen (16) years of age was in the motor~~
24 ~~vehicle or motorboat at the time of the offense.~~

25 (f)~~(1)~~ A person who pleads guilty or nolo contendere to or is found
26 guilty of violating § 5-65-103 for a sixth or subsequent offense occurring
27 within ten (10) years of the first offense is upon conviction guilty of a
28 Class B felony.

29 ~~(2) The court may order public service instead of imprisonment~~
30 ~~in the following manner, and if the court orders public service, the court~~
31 ~~shall include the reasons for the order of public service instead of~~
32 ~~imprisonment in its written order or judgment.~~

33 ~~(A) Not less than two (2) years but no more than ten (10)~~
34 ~~years; or~~

35 ~~(B) Not less than three (3) years but no more than ten~~
36 ~~(10) years if a passenger under sixteen (16) years of age was in the motor~~

1 ~~vehicle or motorboat at the time of the offense.~~

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/s/Lemons

APPROVED: 04/06/2017