

**ARKANSAS SENATE**  
87th General Assembly - Regular Session, 2009  
**Amendment Form**

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**Subtitle of Senate Bill No. 217**

"TO PROVIDE THAT THE PRESENCE OF CERTAIN CONTROLLED SUBSTANCES IN A  
PERSON'S BODY IS A VIOLATION OF THE OMNIBUS DWI ACT OR THE UNDERAGE  
DUI LAW."

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**Amendment No. 1 to Senate Bill No. 217.**

Amend Senate Bill No. 217 as originally introduced:

Page 1, delete lines 9 through 12 and substitute "AN ACT TO AMEND THE STATUTE  
REQUIRING A CHEMICAL TEST OF THE BLOOD, BREATH, OR URINE OF THE DRIVER  
INVOLVED IN AN ACCIDENT IN WHICH DEATH HAS OCCURRED OR IS LIKELY TO OCCUR;  
AND FOR OTHER PURPOSES."

AND

Page 1, delete lines 15 through 18 and substitute "TO REQUIRE A CHEMICAL TEST  
OF THE BLOOD, BREATH, OR URINE OF THE DRIVER INVOLVED IN AN ACCIDENT IN WHICH  
DEATH HAS OCCURRED OR IS LIKELY TO OCCUR."

AND

Delete everything following the Enacting Clause and substitute:

"SECTION 1. Arkansas Code § 5-65-208 is amended to read as follows:  
5-65-208. Collisions – Testing required.

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

(b)(1) The ~~police officer~~ law enforcement agency who that responds to  
investigates the collision, the physician in attendance, or any other person  
designated by state law ~~who was present when the death occurred,~~ shall order  
the chemical test as soon as practicable.

(2)(A) The medical personnel who conducted the chemical test



under subsection (a) of this section of the driver's blood, breath, or urine shall forward the results of the chemical test to the Department of Arkansas State Police, and the department shall establish and maintain the results of the analyses required by subsection (a) of this section in a database.

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

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

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

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

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

The Amendment was read the first time, rules suspended and read the second time and \_\_\_\_\_

By: Senator Altes

BPG/BCS - 02-18-2009 16:30

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Secretary