

ARKANSAS SENATE
90th General Assembly - Regular Session, 2015
Amendment Form

Subtitle of House Bill No. 1645

TO AUTHORIZE THE ISSUANCE OF A RESTRICTED DRIVING PERMIT UPON SUSPENSION OF THE
DRIVER'S LICENSE OF A SPECIALTY COURT PROGRAM PARTICIPANT.

Amendment No. 2 to House Bill No. 1645

Amend House Bill No. 1645 as engrossed, H3/23/15 (version: 03/23/2015 10:30:48 AM):

Delete everything after the enacting clause, and substitute the following:

"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:

(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:~~

(1) "Drug offense" means the same as provided in § 5-64-710; and

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

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

(B) An approved drug court program under the Arkansas Drug Court Act, § 16-98-301 et seq.;

(C) A probation program under the Swift and Certain Accountability on Probation Pilot Program under § 16-93-1701 et seq.; or

(D) A specialty court program that has been approved by the Supreme Court, including without limitation a specialty court program known as:

(i) A DWI court;

(ii) A mental health court;

(iii) A veteran's court;

(iv) A juvenile drug court;

(v) A "HOPE" court; or

(vi) A "smarter sentencing" court.

(b)(1)(A)(i) ~~Whenever~~ When a person accepted and enrolled in a court-approved pre-adjudication or post-adjudication specialty court program for an offense involving the illegal possession or use of a controlled substance or an offense where use of a controlled substance was a contributing factor pleads guilty, or nolo contendere, or is found guilty of any criminal offense involving the illegal possession or use of controlled substances under the Uniform Controlled Substances Act, § 5-64-101 et seq., or of any drug offense, in this state or any other state, the court having jurisdiction of the matter, including any federal court, shall prepare and transmit to the Department of Finance and Administration an order to suspend the driving



privileges of the person for six (6) months.

(ii) ~~provided~~ Provided any such the order regarding a person who is a holder of a commercial driver's license issued under the Arkansas Uniform Commercial Driver License Act, § 27-23-101 et seq., or under the laws of ~~any other~~ another state shall include the suspension of the driving privileges of that person to drive ~~any a~~ a commercial motor vehicle, as the term "commercial motor vehicle" is defined in § 27-23-103, or as similarly defined by the laws of any other state, for a period of one (1) year.

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

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

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

(2) For ~~any such a~~ a person holding driving privileges issued by the State of Arkansas, ~~courts~~ a court within the State of Arkansas ~~in cases of extreme and unusual hardship~~ may provide in an order for the issuance of a restricted driving permit to allow driving to and from:

(A) A mandatory court appearance;

(B) A mandatory random drug-testing appearance;

(C) a A place of employment as required in the scope of employment; or

(D) to and from any A scheduled sessions session or meetings meeting of a support organizations, or counseling organization;

(E) education, An educational institution for the purpose of attending a class if the person is enrolled in a course of study or program of training at the educational institution; or

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

(G) A doctor, hospital, or clinic appointment or admission for medical treatment or care for an illness, disease, or other medical condition of the person or a family member.

(3)(A) Except as provided in subdivision (b)(4) of this section, a specialty court within the State of Arkansas may provide in a separate order that a person in a specialty court program may be issued a restricted driving permit in order to drive for specialty court-approved purposes during enrollment, compliance, and participation in the specialty court program. The specialty court order shall supersede a previous order to suspend a license.

(B) Acceptance in a specialty court program shall not waive or set aside:

(i) A previous order issued by a court requiring payment of fines, fees, or court costs; or

(ii) A requirement for payment of a reinstatement fee to the department for re-issuance of valid driver's license.

(4) The permit that is issued pursuant to this section is not available to a person with a driver's license that is suspended for a violation under:

- (A) Section 5-65-101 et seq.;
- (B) Section 9-14-239;
- (C) Section 27-16-905;
- (D) Section 27-16-907(b)(4)-(6);
- (E) Section 27-16-908;
- (F) Section 27-16-909;
- (G) Section 27-19-610;
- (H) Section 27-19-707(e)(2), unless the judgment creditor

furnishes written consent; and

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

(5)(A)(i) The restricted driving permit issued under this section for a person in a specialty court program shall be effective for eighteen (18) months.

(ii) If a person terminates from the specialty court program, the restricted driving permit issued pursuant to the provisions of this section is revoked.

(B)(i) The restricted driving permit issued by the specialty court shall not remain effective for a person who pleads guilty, or nolo contendere, or is found guilty of a separate offense that requires suspension of driving privileges subsequent to acceptance in the specialty court program and issuance of the restricted driving permit.

(ii) If a person commits an offense as described in subdivision (5)(B)(i) of this section, he or she shall be required to reapply for issuance of a restricted driving permit."

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

By: Senator G. Stubblefield

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Secretary