

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

1 State of Arkansas
2 86th General Assembly
3 Regular Session, 2007

A Bill

HOUSE BILL 1722

4
5 By: Representatives Ragland, Adcock, D. Creekmore, Key
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For An Act To Be Entitled

9 AN ACT TO ALLOW LAW ENFORCEMENT AGENCIES OR LOCAL
10 CORRECTIONAL FACILITIES TO HOLD A PERSON ARRESTED
11 FOR DRIVING WHILE INTOXICATED PRIOR TO RELEASE
12 UNTIL THE PERSON IS NO LONGER INTOXICATED; AND
13 FOR OTHER PURPOSES.
14

Subtitle

15 TO ALLOW LAW ENFORCEMENT AGENCIES OR
16 LOCAL CORRECTIONAL FACILITIES TO HOLD A
17 PERSON ARRESTED FOR DRIVING WHILE
18 INTOXICATED PRIOR TO RELEASE UNTIL THE
19 PERSON IS NO LONGER INTOXICATED.
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23 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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25 SECTION 1. Arkansas Code § 5-65-107 is amended to read as follows:

26 5-65-107. Persons arrested to be tried on charges - No charges reduced
27 - Filing citations - Release.

28 (a) A person arrested for violating § 5-65-103 shall be tried on those
29 charges or plead to those charges, and no such charges shall be reduced.

30 (b) Furthermore, when a law enforcement officer issues a citation for
31 violating § 5-65-103, the citation shall be filed with the court as soon as
32 possible.

33 (c)(1) A law enforcement agency or a local correctional facility may
34 hold a person who has been arrested for violating § 5-65-103, prior to
35 release under bond or otherwise, until the alcohol concentration is less than
36 eight-hundredths (0.08) in the person's breath or blood based upon the



1 definition of breath, blood, and urine concentration in § 5-65-204 and the
2 person is no longer intoxicated.

3 (2) If a person refuses the administration of a chemical test
4 described in § 5-65-203 for determination of the alcohol concentration in the
5 person's breath or blood, a law enforcement officer shall determine when the
6 person is no longer intoxicated and to be released subject to the limitation
7 under subdivision (c)(3) of this section.

8 (3) A person shall not be held, prior to release under bond or
9 otherwise, under subdivision (c)(1) or (c)(2) of this section for more than
10 six (6) hours.

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