

1 State of Arkansas  
2 89th General Assembly  
3 Regular Session, 2013  
4

# A Bill

SENATE BILL 847

5 By: Senator Rapert  
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## For An Act To Be Entitled

8 AN ACT TO AMEND THE OFFENSE OF NEGLIGENT HOMICIDE TO  
9 INCLUDE DRIVING WHILE ASLEEP OR FATIGUED; AND FOR  
10 OTHER PURPOSES.  
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## Subtitle

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14 TO AMEND THE OFFENSE OF NEGLIGENT  
15 HOMICIDE TO INCLUDE DRIVING WHILE ASLEEP  
16 OR FATIGUED.  
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19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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21 SECTION 1. Arkansas Code § 5-10-105 is amended to read as follows:  
22 5-10-105. Negligent homicide.

23 (a)(1) A person commits negligent homicide if he or she negligently  
24 causes the death of another person, not constituting murder or manslaughter,  
25 as a result of operating a vehicle, an aircraft, or a watercraft:

26 (A) While intoxicated;

27 (B)(i) If at that time there is an alcohol concentration  
28 of eight hundredths (0.08) or more in the person's breath or blood based upon  
29 the definition of breath, blood, and urine concentration in § 5-65-204, as  
30 determined by a chemical test of the person's blood, urine, breath, or other  
31 bodily substance.

32 (ii) The method of chemical analysis of the person's  
33 blood, urine, or breath shall be made in accordance with §§ 5-65-204 and 5-  
34 65-206; ~~or~~

35 (C) While passing a stopped school bus in violation of §  
36 27-51-1004~~r~~; or



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(D) While asleep or fatigued.

(2) A person who violates subdivision (a)(1) of this section upon conviction is guilty of a Class B felony.

(b)(1) A person commits negligent homicide if he or she negligently causes the death of another person.

(2) A person who violates subdivision (b)(1) of this section upon conviction is guilty of a Class A misdemeanor.

(c) As used in this section:

(1) "Fatigued" means having been without sleep for a period of twenty-four (24) consecutive hours; and

(2) "~~intoxicated~~" "Intoxicated" means influenced or affected by the ingestion of alcohol, a controlled substance, any intoxicant, or any combination of alcohol, a controlled substance, or an intoxicant to such a degree that the ~~driver's~~ operator's reactions, motor skills, and judgment are substantially altered and the ~~driver~~ operator therefore constitutes a clear and substantial danger of physical injury or death to himself or herself ~~and other motorists or pedestrians~~ or to another person.