

# Department of Finance and Administration

## Legislative Impact Statement

**Bill: SB64 (3/9/15 Engrossment)**

**Bill Subtitle: TO PROVIDE FOR AN ENHANCED PENALTY FOR THE OFFENSE OF DRIVING WHILE INTOXICATED WHEN A PERSON CAUSES AN ACCIDENT OR DRIVES WITHOUT A DRIVER'S LICENSE IN EFFECT WHILE INTOXICATED.**

---

**Basic Change :** Sponsors: J. Woods and Rep. D. Whitaker

This bill as engrossed with amendment 3 provides for enhanced penalty of an unclassified misdemeanor or an unclassified felony if at the time of the offense of driving while intoxicated when a person causes an accident or drives without a driver's license in effect while intoxicated:

- (a) A passenger under sixteen (16) years of age was in the motor vehicle or motorboat;
- (b) The person was driving on a suspended or revoked driver's license or was driving without having a driver's license in effect; or
- (c) The person causes property damage or physical injury to a person.

Amendment 3 adds to (a) "or motorboat"

This bill as engrossed with amendment 3 will have no impact on the DFA Administrative Hearing process for those charged with driving while intoxicated offenses.

**Revenue Impact :**

There is no revenue impact if this bill is passed.

**Taxpayer Impact :**

Additional criminal penalties may be assessed by the courts if this bill is passed.

**Resources Required :**

No additional resources are required.

**Time Required :**

No additional time is required to implement this bill.

**Procedural Changes :**

No procedural changes are required.

**Legal Analysis :**

Act 299 of 2015 made significant changes to the Arkansas Criminal Code regarding the offenses of Driving While Intoxicated (DWI) and Boating While Intoxicated (BWI). SB64, as originally introduced, sought to amend the penalty enhancement provisions for DWI convictions under the earlier version of § 5-65-111. Amendment No. 3 to SB64 (as engrossed 3/9/2015) retains the enhanced penalty provisions as originally intended by SB64. However, Act 299 amended § 5-65-111, which necessitated an amendment to SB64 that would incorporate § 5-65-111 as it now exists following Act 299.

The amendments from Amendment No. 3 to SB64 were properly engrossed.