

1 State of Arkansas
2 94th General Assembly
3 Regular Session, 2023
4

A Bill

HOUSE BILL 1352

5 By: Representative Dalby
6 By: Senator Hickey
7

For An Act To Be Entitled

9 AN ACT TO AMEND THE LAW CONCERNING THE SEALING OF A
10 RECORD OF A FELONY CONVICTION OF DRIVING OR BOATING
11 WHILE INTOXICATED; AND FOR OTHER PURPOSES.
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Subtitle

15 TO AMEND THE LAW CONCERNING THE SEALING
16 OF A RECORD OF A FELONY CONVICTION OF
17 DRIVING OR BOATING WHILE INTOXICATED.
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20 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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22 SECTION 1. Arkansas Code § 16-90-1406(a), concerning felony
23 convictions eligible for sealing, is amended to read as follows:

24 (a) Unless prohibited under § 16-90-1408 and regardless of when the
25 felony occurred, a person may petition a court to seal a record of a
26 conviction immediately after the completion of the person's sentence for:

27 (1) A nonviolent Class C felony or nonviolent Class D felony;

28 (2)(A) ~~Except as provided in subdivision (a)(2)(B) of this~~
29 section, an unclassified felony.

30 (B) A person shall not file a new uniform petition to seal
31 a record of a conviction for a felony offense of driving or boating while
32 intoxicated, § 5-65-103, until after the applicable lookback periods under §
33 5-65-111 have elapsed;

34 (3) An offense under the Uniform Controlled Substances Act, § 5-
35 64-101 et seq., that is a Class A felony or Class B felony;

36 (4) Solicitation to commit, attempt to commit, or conspiracy to



1 commit the substantive offenses listed in subdivisions (a)(1)-(3) of this
2 section; or

3 (5) A felony not involving violence committed while the person
4 was less than eighteen (18) years of age.

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6 SECTION 2. Arkansas Code § 16-90-1413(a)(2), concerning the procedure
7 for sealing of records, is amended to read as follows:

8 (2) Except as provided in §§ 16-90-1405 and § 16-90-1406, if a
9 person has previously petitioned the court for the sealing of a record and
10 that petition was subsequently denied, the person may not file a uniform
11 petition under this subchapter regarding that record until one (1) year has
12 passed since the denial of the previous petition.

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15 **APPROVED: 2/21/23**

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