

Hall of the House of Representatives
83rd General Assembly - Regular Session, 2001
Amendment Form

Subtitle of House Bill No. 1141

"TO CHANGE THE DWI THRESHOLD FROM 0.10% TO 0.08."

Amendment No. 2 to House Bill No. 1141.

Amend House Bill No. 1141 as originally introduced:

Add Representatives Milum, Cleveland, Bolin, Altes, Bledsoe, McMillon, Childers, Holt, and Scroggin as cosponsors of the bill

AND

Page 7, line 36, delete "5-65-203(a) is" and substitute "5-65-203(a) & (b) are"

AND

Page 8, line 7, insert the following:

"(b) The law enforcement agency by which that officer is employed shall designate which of the aforesaid tests shall be administered, and the agency shall be responsible for paying all expenses incurred in conducting the tests.

(1) If the person tested requests that additional tests be made, as authorized in § 5-65-204(e), the cost of the additional tests shall be borne by the person tested unless the charges are dismissed or nolle prosequi or the person is found not guilty, in which case the arresting law enforcement agency shall reimburse the person for the cost of the additional tests.

(2) If any person shall object to the taking of his blood for a test, as authorized herein, the breath or urine of the person may be used to make the analysis."

AND

Page 8, insert an additional section immediately following Section 9 to read as follows:

"SECTION 10. Arkansas Code 5-65-204(e) is amended to read as follows:

(e) The person tested may have a physician or a qualified technician, registered nurse, or other qualified person of his own choice administer a complete chemical test in addition to any test administered at the direction of a law enforcement officer.

(1) The law enforcement officer shall advise the person, in

writing, of this right and that if the person chooses to have an additional test and the charges are dismissed or nolle prosequi or the person is found not guilty, the arresting law enforcement agency will reimburse the person for the cost of the additional test.

(2) The refusal or failure of a law enforcement officer to advise such person of this right and to permit and assist the person to obtain such test shall preclude the admission of evidence relating to the test taken at the direction of a law enforcement officer. "

AND

Appropriately renumber the subsequent sections of the bill

AND

Page 16, lines 27 and 28, delete "two-hundredths (0.02) but less than" and substitute "at least"

The Amendment was read _____

By: Representatives Rodgers, Cleveland

LH/RRS

RRS123

Chief Clerk