

ARKANSAS SENATE
86th General Assembly - Regular Session, 2007
Amendment Form

Subtitle of House Bill No. 1414

"AN ACT CONCERNING ALCOHOL EDUCATION PROGRAMS FOR PERSONS
CONVICTED OF DRIVING WHILE INTOXICATED."

Amendment No. 1 to House Bill No. 1414.

Amend House Bill No. 1414 as originally introduced:

Page 1, delete line 10 and substitute the following:

"PERSONS CONVICTED OF DRIVING WHILE INTOXICATED; AMENDING ARKANSAS CODE § 20-64-601 CONCERNING THE NAME OF THE BUREAU OF ALCOHOL AND DRUG ABUSE PREVENTION;"

AND

Page 1, delete line 16 and substitute the following:

"DRIVING WHILE INTOXICATED AND CHANGING THE NAME OF THE BUREAU OF ALCOHOL AND DRUG ABUSE PREVENTION."

AND

Delete everything following the enacting clause and substitute the following:

"SECTION 1. Arkansas Code § 5-65-109(a), concerning presentence screenings and assessment reports, is amended to read as follows:

(a) The court shall immediately request and the ~~Highway Safety Program Office of Alcohol and Drug Abuse Prevention~~ or its designee shall provide a presentence screening and assessment report of the defendant upon a plea of guilty or nolo contendere to or a finding of guilt of violating § 5-65-103 or § 5-65-303.

SECTION 2. Arkansas Code § 5-65-115(a), concerning alcohol treatment or education programs, is amended to read as follows:

(a)(1) Any person whose driving privileges are suspended or revoked for violating § 5-65-103, § 5-65-303, § 5-65-310, or § 3-3-203 is required to complete an alcohol education program ~~or an alcoholism treatment program as approved by the Bureau of~~ provided by a contractor with the Office of Alcohol and Drug Abuse Prevention of the Department of Health and Human Services or a program required under § 5-65-104(b)(1), in addition to any other penalty provided by law an alcoholism treatment program licensed by the Office of



Alcohol and Drug Abuse Prevention.

(2)(A) The alcohol education program may collect a program fee of up to one hundred twenty-five dollars (\$125) per enrollee to offset program costs.

(B)(i) A person ordered to complete an alcohol education program ~~or alcoholism treatment program~~ under this section may be required to pay, in addition to the costs collected for education or treatment, a fee of up to twenty-five dollars (\$25.00) to offset the additional costs associated with reporting requirements under this subchapter.

(ii) The alcohol education program shall report ~~semiannually~~ monthly to the ~~bureau~~ office all revenue derived from this fee.

SECTION 3. Arkansas Code § 5-65-307 is amended to read as follows:

5-65-307. Alcohol and driving education program.

(a)(1)(A) Any ~~underage~~ person who has his or her driving privileges suspended, revoked, or denied for violating § 3-3-203, § 5-65-310, or § 5-65-303 is required to complete an alcohol and driving education program for underage drivers as prescribed and approved by the Bureau Office of Alcohol and Drug Abuse Prevention of the Division of Behavioral Health Services of the Department of Health and Human Services or an alcoholism treatment program licensed by the Office of Alcohol and Drug Abuse Prevention, or both, in addition to any other penalty provided in this ~~subchapter~~ chapter.

(B) If during the period of suspension or revocation in subdivision (a)(1)(A) of this section the underage person commits an additional violation of ~~§~~ §§ 3-3-203 or 5-65-303, the underage person is also required to complete an approved alcohol and driving education program or alcoholism treatment program for each additional violation.

(2) The ~~bureau~~ Office of Alcohol and Drug Abuse Prevention shall approve only those programs in alcohol and driving education that are targeted at the underage driving group and are intended to intervene and prevent repeat occurrences of driving under the influence or driving while intoxicated.

(3)(A)(i) The alcohol and driving education program may collect a program fee of up to one hundred twenty-five dollars (\$125) per enrollee to offset program costs.

(ii) An underage person ordered to complete an alcohol and driving education program or an alcoholism treatment program under this section may be required to pay, in addition to the costs collected for the program, a fee of up to twenty-five dollars (\$25.00) to offset the additional costs associated with reporting requirements under this subchapter.

(B) An approved alcohol and driving education program shall report ~~semiannually~~ monthly to the ~~bureau~~ Office of Alcohol and Drug Abuse Prevention all revenue derived from these fees.

(b) Prior to reinstatement of a driver's license suspended or revoked under this subchapter, the driver shall furnish proof of attendance at and completion of the alcohol and driving education program or alcoholism treatment program required under subdivision (a)(1) of this section.

(c) The ~~bureau~~ Office of Alcohol and Drug Abuse Prevention may promulgate rules ~~and regulations~~ reasonably necessary to carry out the purposes of this section regarding the approval and monitoring of the alcohol

and driving education programs.

(d)(1)(A) A person whose license is suspended or revoked for violating § 5-65-303 or § 5-65-310 shall:

(i) Both:

(a) Furnish proof of attendance at and completion of the alcohol and driving education program or alcoholism treatment program required under subdivision (a)(1) of this section before reinstatement of his or her suspended or revoked driver's license; and

(b) Pay any fee for reinstatement required under § 5-65-119 or § 5-65-304; or

(ii) Furnish proof of dismissal or acquittal of the charge on which the suspension or revocation is based.

(B) An application for reinstatement shall be made to the Office of Driver Services.

(2) Even if a person has filed a de novo petition for review pursuant to § 5-65-402, the person is entitled to reinstatement of driving privileges upon complying with this subsection and is not required to postpone reinstatement until the disposition of the de novo review in circuit court has occurred.

(3)(A) A person suspended under this subchapter may enroll in an alcohol education program prior to disposition of the offense by the circuit court, district court, or city court, but is not entitled to any refund of fees paid if the charges are dismissed or if the person is acquitted of the charges.

(B) A person who enrolls in an alcohol education program is not entitled to any refund of fees paid if the person is subsequently acquitted.

(e) Any alcohol and driving education program ~~or alcoholism treatment program~~ shall remit the fees imposed under this section to the ~~bureau~~ Office of Alcohol and Drug Abuse Prevention.

SECTION 4. Arkansas Code § 20-64-601 is amended to read as follows:

20-64-601. ~~Bureau~~ Office of Alcohol and Drug Abuse Prevention - Creation.

(a) There is established within the ~~Department of Health~~ Division of Behavioral Health Services of the Department of Health and Human Services a ~~Bureau~~ an Office of Alcohol and Drug Abuse Prevention to be located under the Office of the Director of the Department of Health and Human Services.

(b) The head of the office shall be appointed by the Director of the Department of Health and Human Services.

(c) Such personnel as are necessary shall be appointed by the office head to carry out the powers, duties, functions, and responsibilities of the bureau, in accordance with the requirements of law within the limits of available appropriations.

SECTION 5. NOT TO BE CODIFIED. The Arkansas Code Revision Commission shall make appropriate name changes in the Arkansas Code to implement the name change under Section 4 of this act."

The Amendment was read the first time, rules suspended and read the second time and _____

By: Senator Womack

MBM/LNS - 02-28-2007 11:26

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Secretary