

# Department of Finance and Administration

## Legislative Impact Statement

**Bill: SB145**

**Bill Subtitle: TO AMEND THE LAW CONCERNING THE ELEMENTS AND PENALTIES OF NEGLIGENT HOMICIDE.**

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### **Basic Change :**

**Sponsors: Senator Bond and Representative Tucker**

SB145 adds an additional element to the offense of Negligent Homicide, § 5-10-105. Under this bill, a person may be convicted of Negligent Homicide if a driver negligently causes the death of another person while operating a motor vehicle, an aircraft, or a watercraft and the driver was engaging in wireless interactive communication. "Wireless interactive communication" means typing, text messaging, emailing, or accessing information on the internet with a handheld wireless telephone. "Handheld wireless telephone" is defined as a wireless interactive communication device with which a user engages in wireless interactive communication using one hand. A "handheld wireless telephone" does not include a hands-free wireless telephone, citizens band radio, citizens band radio hybrid or a global positioning or navigation device.

SB145 requires the court to transmit to the Department of Finance and Administration (DFA), within 24 hours after the plea or finding, an order of denial of driving privileges. Upon receipt of the court order, DFA shall suspend the defendant's driving privileges for 12 months. In the case of extreme and unusual hardship, the bill permits the court to order DFA to issue a restricted driving permit to allow driving to and from work or school.

### **Revenue Impact :**

None.

### **Taxpayer Impact :**

A driver that causes the death of another person while operating a motor vehicle, aircraft, or watercraft and while engaging in wireless interactive communication will be convicted of the offense of Negligent Homicide and have his or her driving privileges suspended for 12 months. A restricted driving permit would be allowed for persons convicted of Negligent Homicide if this bill is passed.

### **Resources Required :**

None.

### **Time Required :**

None.

### **Procedural Changes :**

DFA would be required to develop procedures to issue restricted driving permits to a driver found guilty of Negligent Homicide when ordered by the court

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### **Other Comments :**

None.

### **Legal Analysis :**

SB145 conflicts with existing law. More specifically, § 27-16-905(1) requires that the Office of Driver Services revoke the driving privileges of a person convicted of Negligent Homicide resulting from the operation of a motor vehicle. The Office of Driver Services may not grant a driver's license to a person whose driving privileges are revoked until the expiration of one year after the imposition of the license revocation. See § 27-16-912. The Office of Driver Services is not authorized to issue a restricted permit to an individual whose driving privileges are revoked. Under SB145, upon conviction of the offense of Negligent Homicide involving wireless interactive communication, the Office of Driver Services is instructed to suspend the driving privileges of the defendant and a restricted permit is authorized in cases of extreme and unusual hardship. It is recommended that SB145 be amended so that it does not present a conflict in Arkansas law.