

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

INTERIM STUDY PROPOSAL 2007-038

State of Arkansas  
86th General Assembly  
Regular Session, 2007

# A Bill

HOUSE BILL 1722

By: Representatives Ragland, Adcock, D. Creekmore, Key

Referred to  
Judiciary Committee- House  
by the House of Representatives  
on 04/02/2007

## For An Act To Be Entitled

AN ACT TO ALLOW LAW ENFORCEMENT AGENCIES OR LOCAL CORRECTIONAL FACILITIES TO HOLD A PERSON ARRESTED FOR DRIVING WHILE INTOXICATED PRIOR TO RELEASE UNTIL THE PERSON IS NO LONGER INTOXICATED; AND FOR OTHER PURPOSES.

## Subtitle

TO ALLOW LAW ENFORCEMENT AGENCIES OR LOCAL CORRECTIONAL FACILITIES TO HOLD A PERSON ARRESTED FOR DRIVING WHILE INTOXICATED PRIOR TO RELEASE UNTIL THE PERSON IS NO LONGER INTOXICATED.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

SECTION 1. Arkansas Code § 5-65-107 is amended to read as follows:

5-65-107. Persons arrested to be tried on charges - No charges reduced - Filing citations - Release.

(a) A person arrested for violating § 5-65-103 shall be tried on those charges or plead to those charges, and no such charges shall be reduced.

(b) Furthermore, when a law enforcement officer issues a citation for violating § 5-65-103, the citation shall be filed with the court as soon as

1 possible.

2 (c)(1) A law enforcement agency or a local correctional facility may  
3 hold a person who has been arrested for violating § 5-65-103, prior to  
4 release under bond or otherwise, until the alcohol concentration is less than  
5 eight-hundredths (0.08) in the person's breath or blood based upon the  
6 definition of breath, blood, and urine concentration in § 5-65-204 and the  
7 person is no longer intoxicated.

8 (2) If a person refuses the administration of a chemical test  
9 described in § 5-65-203 for determination of the alcohol concentration in the  
10 person's breath or blood, a law enforcement officer shall determine when the  
11 person is no longer intoxicated and to be released subject to the limitation  
12 under subdivision (c)(3) of this section.

13 (3) A person shall not be held, prior to release under bond or  
14 otherwise, under subdivision (c)(1) or (c)(2) of this section for more than  
15 six (6) hours.

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