

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 2007-140

State of Arkansas
86th General Assembly
Regular Session, 2007

A Bill

SENATE BILL 845

By: Senator Critcher

Referred to
Judiciary Committee - Senate
by the Arkansas Senate
on 04/03/2007

For An Act To Be Entitled

AN ACT TO REQUIRE A CHEMICAL TEST OF THE BLOOD,
BREATH, OR URINE OF THE DRIVER OF A MOTOR VEHICLE
INVOLVED IN AN ACCIDENT RESULTING IN A DEATH
BASED ON REASONABLE SUSPICION THAT THE DRIVER IS
UNDER THE INFLUENCE OF ALCOHOL OR DRUGS OR BOTH;
AND FOR OTHER PURPOSES.

Subtitle

TO REQUIRE A CHEMICAL TEST OF THE BLOOD,
BREATH, OR URINE OF THE DRIVER OF A
MOTOR VEHICLE INVOLVED IN AN ACCIDENT
RESULTING IN A DEATH BASED ON REASONABLE
SUSPICION.

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

SECTION 1. Arkansas Code § 5-65-208 is amended to read as follows:
5-65-208. Collisions - Testing required.

(a) (1) When the driver of a ~~motor~~ motorized vehicle is involved in ~~an~~
~~accident~~ a crash resulting in loss of human life or when there is reason to
believe death may result, and there exists ~~probable cause~~ a reasonable
suspicion to believe that the driver is guilty of a violation of the state's

1 law prohibiting driving while under the influence, in addition to a penalty
 2 established elsewhere under state law, a chemical test of the driver's blood,
 3 breath, or urine shall be administered to the driver, even if fatally
 4 injured, to determine the presence of and percentage of concentration of
 5 alcohol or drugs, or both, in the driver's body.

6 (2) If any provision of law is inconsistent with subdivision
 7 (a)(1) of this section, subdivision (a)(1) shall apply and control.

8 (b)(1) The ~~police~~ law enforcement officer who responds to the
 9 collision, the physician in attendance, or any other person designated by
 10 state law who was present when the death occurred, shall order the chemical
 11 test as soon as practicable.

12 (2)(A) The medical personnel who conducted the chemical test
 13 under subsection (a) of this section of the driver's blood, breath, or urine
 14 shall forward the results of the chemical test to the Department of Arkansas
 15 State Police, and the department shall establish and maintain the results of
 16 the analyses required by subsection (a) of this section in a database.

17 (B) The information in the database shall reflect the
 18 number of fatal motor vehicle accidents in which:

19 (i) Alcohol was found to be a factor, with the
 20 percentage of alcohol concentration involved;

21 (ii) Drugs were found to be a factor, listing the
 22 class of drugs so found and their amounts; and

23 (iii) Both alcohol and drugs were found to be
 24 factors, with the percentage of alcohol concentration involved, and listing
 25 the class of drugs so found and their amounts.

26 ~~(c) The results of the analyses required by this section shall be~~
 27 ~~reported to the department and may be used by state and local officials only~~
 28 ~~for statistical purposes that do not reveal the identity of the deceased~~
 29 ~~person.~~

30 (c) If there exists a probable cause to believe that any individual,
 31 other than the driver, was under the influence of an intoxicating substance
 32 and whose conduct was a contributing factor to the crash, including a
 33 pedestrian, the investigating law enforcement officer shall have a chemical
 34 test of the person's blood, breath, or urine administered, even if fatally
 35 injured, to determined the presence of and percentage of concentration of
 36 alcohol or drugs, or both, in the person's body.

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