

State of Arkansas

76th General Assembly

Regular Session, 1987

HOUSE BILL 1702

By: Representative Dowd

"AN ACT TO AUTHORIZE THE DEPARTMENT OF HEALTH TO ESTABLISH A PROGRAM FOR THE PURCHASE, DISTRIBUTION AND MAINTENANCE OF BREATH TEST EQUIPMENT FOR DETERMINING BLOOD ALCOHOL CONTENT; TO ESTABLISH THE LAW ENFORCEMENT ADVISORY COMMITTEE AND PRESCRIBE ITS FUNCTIONS AND DUTIES; TO LEVY AN ADDITIONAL COURT COST OF TWENTY-FIVE DOLLARS (\$25.00) TO BE PAID BY ANY PERSON WHO PLEADS GUILTY OR NOLO CONTENDERE OR IS FOUND GUILTY OF DRIVING WHILE INTOXICATED AND TO PROVIDE THAT FUNDS DERIVED THEREFROM SHALL BE USED BY THE BLOOD ALCOHOL PROGRAM FOR THE PURCHASE OF BREATH TESTING EQUIPMENT, THE DISTRIBUTION THEREOF TO LAW ENFORCEMENT AGENCIES AND THE IMPLEMENTATION, SUPPORT AND MAINTENANCE THEREOF; AND FOR OTHER PURPOSES."

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

SECTION 1. The Arkansas Department of Health is hereby authorized to establish a program for the purchase, distribution to law enforcement agencies and maintenance of breath testing equipment for use by law enforcement agencies in determining the alcohol content of the blood of motor vehicle operators.

SECTION 2. A Law Enforcement Advisory Committee is hereby established for the purpose of making recommendations to the Arkansas Department of Health in regard to the distribution and continuing upkeep of the breath test equipment to be purchased under the provisions of this Act. Final authority shall be vested in the Arkansas Department of Health. The Law Enforcement Advisory Committee will be composed of one representative from each of the law enforcement organizations which have a direct interest in the use of the breath

testing equipment, not to exceed seven (7) members. Each organization, at the request of the Governor, will submit three (3) names from which the Governor will select one member. Members of the Committee shall be appointed for terms of three years except that of the members first appointed, two shall be appointed for terms of one (1), year, two shall be appointed for terms of two (2) years and three shall be appointed for terms of three (3) years. The Law Enforcement Advisory Committee will meet not less than once per year and at other times as deemed necessary by the Arkansas Department of Health. Members of the Committee shall be entitled to mileage at the rate prescribed in State travel regulations and the cost of one meal for each day in attendance at a meeting of the Committee. Such mileage and meal allowance shall be paid from Blood Alcohol Program funds as authorized under this Act and as appropriated by law.

SECTION 3. Any person who pleads guilty or nolo contendere or is found guilty of driving while intoxicated as provided in Act 549 of 1983, as amended, on and after April 1, 1987, shall pay a court cost of twenty-five dollars (\$25.00) which shall be in addition to any other court costs now or hereafter levied. The city or the county of the court in which such court costs are collected shall remit all monies received from the costs imposed by the provisions of this Section, less two percent (2%) thereof for administrative costs, at least quarterly, by January 1, April 1, July 1, and October 1, to the Comptroller of the Arkansas Department of Health. Provided that no county, municipality, or town shall be held liable for the payment of the costs herein taxed in any instance where they are not collected, or in any case in which the defendant pays the costs by serving time or working. All such monies received by the Comptroller shall be deposited in the State Treasury and credited to the "Alcohol Testing Fund", which is hereby created on the books of the State Treasurer, State Auditor and Chief Fiscal Officer, there to be used by the Arkansas Department of Health for the purposes described in Section 4 of this Act and no other purposes; provided that monies accumulated in this fund are to be carried forward from one year to the next to be used for the same purpose.

SECTION 4. The Alcohol Testing Fund established by this Act is to be used to the extent of the appropriations provided by law by the Arkansas

Department of Health for (1) the purchase of breath testing equipment to be distributed to qualifying law enforcement agencies, as determined by the Department; (2) the maintenance of such equipment to assure a minimal amount of downtime for repairs; (3) the purchase of equipment necessary to provide training to the law enforcement agencies utilizing such equipment in accordance with Arkansas Regulations for Blood Alcohol Testing; (4) the salaries and matching benefits for additional staff as may be required to provide all such services; (5) the purchase of sufficient equipment to assure "loaner" units are available for extended periods of downtime; (6) the purchase of the related computer equipment necessary to provide centralized computer access to all breath test instruments; (7) other administrative costs which may be demonstrated to be essential to the support of breath testing in Arkansas.

SECTION 5. All laws and parts of laws in conflict with this Act are hereby repealed.

