

State of Arkansas

77th General Assembly

Regular Session, 1989

A Bill

SENATE BILL

115

By: Senator Hardin

For An Act To Be Entitled

"AN ACT TO AMEND ARKANSAS CODE §§5-65-104 AND 5-65-111 TO PROVIDE THAT ALL PRIOR DWI OFFENSES OCCURRING WITHIN FIVE (5) YEARS OF THE FIRST OFFENSE SHALL BE INCLUDED IN DETERMINING THE TIME PERIOD FOR SUSPENSION AND REVOCATION OF A DRIVER'S LICENSE AND FOR DETERMINING THE TERM OF IMPRISONMENT; AND FOR OTHER PURPOSES."

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

SECTION 1. Arkansas Code §5-65-104(a)(4) is hereby amended to read as follows:

"(a)(1) At the time of arrest for violating §5-65-103, the arresting officer shall seize the motor vehicle operator's license of the person arrested and issue to such person a temporary driving permit to expire on the date of arraignment.

(2) The arresting officer shall remit the seized operator's license to the court.

(3) Upon arraignment, the judge shall issue such person a temporary permit to expire on the date of the trial.

(4) If the person is convicted of violating §5-65-103, the court shall transmit the operator's license to the Office of Driver Services and shall instruct the Office of Driver Services to suspend or revoke such person's motor vehicle operator's license as follows:

(A) Suspension for not less than ninety (90) days nor more than one hundred twenty (120) days for the first offense;

(B) Suspension for not less than one (1) year nor more than sixteen (16) months for a second offense within five (5) years of the first offense;

(C) Suspension for not less than two (2) years nor more than

thirty (30) months for the third offense within five (5) years of the first offense; and

(D) Revocation for the fourth or subsequent offense occurring within a five (5) year period of the first offense. Revocation shall continue for a period of three (3) years."

SECTION 2. Arkansas Code §5-65-111(b) is hereby amended to read as follows:

"(b) Any person who pleads guilty, nolo contendere, or is found guilty of violating §5-65-103 shall be imprisoned:

(1) For no less than seven (7) days and no more than one (1) year for the second offense occurring within five (5) years of the first offense;

(2) For no less than ninety (90) days nor more than one (1) year for the third offense occurring within five (5) years of the first offense;

(3) For at least one (1) year but no more than six (6) years for the fourth or subsequent offense occurring within five (5) years of the first offense and shall be guilty of a felony."

SECTION 3. All provisions of this act of a general and permanent nature are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code Revision Commission shall incorporate the same in the Code.

SECTION 4. All laws and parts of laws in conflict with this act are hereby repealed.