

1 **State of Arkansas**

2 **78th General Assembly**

3 **Regular Session, 1991**

4 **By: Representative Mahony and McJunkin**

A Bill

HOUSE BILL 1754

For An Act To Be Entitled

8 "AN ACT TO PROVIDE FOR THE SUSPENSION OF THE DRIVER'S
9 LICENSE OF ANY PERSON WHO COMMITS A CRIMINAL OFFENSE
10 INVOLVING THE ILLEGAL POSSESSION OR USE OF CONTROLLED
11 SUBSTANCES; AND FOR OTHER PURPOSES."

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

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15 SECTION 1. Whenever a person pleads guilty, nolo contendere or is found
16 guilty of any criminal offense involving the illegal possession or use of
17 controlled substances under Subchapter 64 of Title 5 of the Arkansas Code of
18 1987, Annotated, the court shall prepare and transmit to the Department of
19 Finance and Administration within twenty-four (24) hours after the plea or
20 finding an order to suspend the driving privileges for the person for six (6)
21 months. In cases of extreme and unusual hardship, the order may provide for
22 the issuance of a restricted driving permit to allow driving to and from a
23 place of employment or to and from any scheduled sessions or meetings of
24 support organizations, counseling, education, or treatment for persons who
25 have addiction or abuse problems related to controlled substances.

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27 SECTION 2. Upon receipt of an order of denial of driving privileges
28 under this act, the Department of Finance and Administration shall:

29 (1) Suspend the driver's license of the person for six (6) months; or

30 (2) In the event the person's driver's license is under suspension by
31 the Department for another offense or other violations, the person's driver's
32 license shall be suspended an additional six (6) months; or

33 (3) If the person has not been issued a driver's license, the issuance
34 of a license by the Department shall be delayed for an additional six (6)
35 months after the person applies for a license.

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SECTION 3. Penalties prescribed in this act shall be in addition to all other penalties prescribed by law for the offenses covered by this act.

SECTION 4. 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 5. If any provisions of this act or the application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provisions or application, and to this end the provisions of this act are declared to be severable.

SECTION 6. All laws and parts of laws in conflict with this act are hereby repealed.

SECTION 7. Emergency. It is hereby found and determined by the Seventy-Eighth General Assembly of the State of Arkansas that federal mandates require the loss of federal highway funds without implementation of a system of suspending the drivers' licenses of persons convicted of drug offenses and that additional enforcement mechanisms are urgently needed to deter persons illegally using or dealing in drugs; that this act will provide that additional enforcement mechanism; and that this act should go into effect immediately in order to meet the requirements of the federal law and to grant law enforcement officers and courts greater flexibility in dealing with the illegal use and sale of drugs. Therefore, an emergency is hereby declared to exist and this act being immediately necessary for the preservation of the public peace, health and safety shall be in full force and effect from and after its passage and approval.

/s/Mahony and McJunkin