

1 State of Arkansas
2 82nd General Assembly
3 Regular Session, 1999

A Bill

HOUSE BILL 1567

4
5 By: Representative Angel
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For An Act To Be Entitled

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9 "AN ACT TO AMEND ARKANSAS CODE § 5-65-206 TO REVISE
10 THE TIME FOR PERFORMING A CHEMICAL ANALYSIS OF A
11 DEFENDANT'S BLOOD FROM WITHIN TWO (2) HOURS TO WITHIN
12 FOUR (4) HOURS OF THE ALLEGED DWI OFFENSE; AND FOR
13 OTHER PURPOSES."

Subtitle

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16 "TO REVISE THE TIME FOR PERFORMING A
17 CHEMICAL ANALYSIS OF A DEFENDANT'S BLOOD
18 FROM WITHIN TWO (2) HOURS TO WITHIN FOUR
19 (4) HOURS OF THE ALLEGED DWI OFFENSE."
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22 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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24 SECTION 1. Arkansas Code § 5-65-206(a), regarding the use of a chemical
25 analysis of the defendant's blood in alleged DWI offenses, is amended to read
26 as follows:

27 "(a) In any criminal prosecution of a person charged with the offense
28 of driving while intoxicated, the amount of alcohol in the defendant's blood
29 at the time or within ~~two (2)~~ four (4) hours of the alleged offense, as shown
30 by chemical analysis of the defendant's blood, urine, breath, or other bodily
31 substance shall give rise to the following:

32 (1) If there was at that time one-twentieth of one percent
33 (0.05%) or less by weight of alcohol in the defendant's blood, urine, breath,
34 or other bodily substance, it shall be presumed that the defendant was not
35 under the influence of intoxicating liquor;

36 (2) If there was at the time in excess of one-twentieth of one

1 percent (0.05%) but less than one-tenth of one percent (0.10%) by weight of
2 alcohol in the defendant's blood, urine, breath, or other bodily substance,
3 such fact shall not give rise to any presumption that the defendant was or was
4 not under the influence of intoxicating liquor, but this fact may be
5 considered with other competent evidence in determining the guilt or innocence
6 of the defendant.”

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8 SECTION 2. All provisions of this act of a general and permanent nature
9 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code
10 Revision Commission shall incorporate the same in the Code.

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12 SECTION 3. If any provision of this act or the application thereof to
13 any person or circumstance is held invalid, such invalidity shall not affect
14 other provisions or applications of the act which can be given effect without
15 the invalid provision or application, and to this end the provisions of this
16 act are declared to be severable.

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