

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.

1 State of Arkansas  
2 83rd General Assembly  
3 Regular Session, 2001

# A Bill

SENATE BILL 856

4  
5 By: Senator Faris  
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## For An Act To Be Entitled

9 AN ACT TO INCREASE THE CRIMINAL PENALTIES FOR REPEAT  
10 DRIVING WHILE INTOXICATED OFFENSES; AND FOR OTHER  
11 PURPOSES.  
12

### Subtitle

13 TO INCREASE THE CRIMINAL PENALTIES FOR  
14 REPEAT DRIVING WHILE INTOXICATED  
15 OFFENSES.  
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19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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21 SECTION 1. Arkansas Code 5-65-111(b), concerning the exceptions to  
22 prison terms, is amended to read as follows:

23 (b) Any person who pleads guilty or nolo contendere to or is found  
24 guilty of violating § 5-65-103 or any other equivalent penal law of another  
25 state or foreign jurisdiction shall be imprisoned or shall be ordered to  
26 perform public service in lieu of jail as follows:

27 (1) For no fewer than seven (7) days and no more than one (1)  
28 year for the second offense occurring within five (5) years of the first  
29 offense or no fewer than thirty (30) days of community service;

30 (2) For no fewer than ninety (90) days and no more than one (1)  
31 year for the third offense occurring within five (5) years of the first  
32 offense or no fewer than ninety (90) days of community service; ~~and~~

33 (3) For at least one (1) year but no more than six (6) years for  
34 the fourth ~~or subsequent~~ offense occurring within five (5) years of the first  
35 offense or not less than one (1) year of community service and shall be guilty  
36 of a felony; and

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1           (4) For at least two (2) years, but no more than ten (10) years,  
 2 for the fifth or subsequent offense, occurring within five (5) years of the  
 3 first offense or not less than two (2) years of community service and shall be  
 4 guilty of a felony.

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 6           SECTION 2. Arkansas Code 5-65-118(a), concerning ignition interlock  
 7 devices, is amended to read as follows:

8           (a)(1)(A) In addition to the other penalties authorized for violations  
 9 of this chapter, a court may, in its discretion, upon a finding of guilt or a  
 10 plea of guilty or nolo contendere for violating § 5-65-103 for a first or  
 11 second offense, order the person to operate only a motor vehicle which is  
 12 equipped with a functioning ignition interlock device, and this restriction  
 13 may continue for a period of up to one (1) year after such person's license is  
 14 no longer suspended or restricted under the provisions of § 5-65-104.

15           (B) Upon a finding that a person is financially able to  
 16 afford an ignition interlock device and upon a plea of guilty or nolo  
 17 contendere to, or a finding of guilt of a violation of § 5-65-103 for a third  
 18 or subsequent offense, the court shall order the offender to operate only  
 19 motor vehicles which are equipped with a functioning ignition interlock device  
 20 for up to one (1) year after the person's license is no longer suspended or  
 21 restricted under § 5-65-104.

22           (2) The court may, at the time of sentencing, order the Office of  
 23 Driver Services of the Department of Finance and Administration to issue a  
 24 restricted license in accordance with the requirements under the provisions of  
 25 § 5-65-104 to the person only after the person has verified installation of a  
 26 functioning ignition interlock device to the Office of Driver Services in any  
 27 motor vehicle the person intends to operate, except for exemptions allowed  
 28 under subsection (g) of this section.

29           (3) The court shall establish a specific calibration setting no  
 30 lower than two hundredths of one percent (.02%) nor more than five hundredths  
 31 of one percent (.05%) of alcohol in the person's blood at which the ignition  
 32 interlock device will prevent the motor vehicle from being started and the  
 33 period of time that the person shall be subject to the restriction.

34           (4) For the purpose of this section, "ignition interlock device"  
 35 means a device which connects a motor vehicle ignition system to a breath-  
 36 alcohol analyzer and prevents a motor vehicle ignition from starting if a

1 driver's blood alcohol level exceeds the calibration setting on the device.

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