

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 85th General Assembly
3 Regular Session, 2005

A Bill

HOUSE BILL 2098

4
5 By: Representative Borhauer
6
7

For An Act To Be Entitled

9 AN ACT TO ENHANCE PENALTIES FOR DRIVING WHILE
10 INTOXICATED WITH A PERSON UNDER SIXTEEN (16)
11 YEARS OF AGE IN THE VEHICLE; AND FOR OTHER
12 PURPOSES.
13

Subtitle

14 AN ACT TO ENHANCE PENALTIES FOR DRIVING
15 WHILE INTOXICATED WITH A PERSON UNDER
16 SIXTEEN (16) YEARS OF AGE IN THE
17 VEHICLE.
18
19
20

21 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
22

23 SECTION 1. Arkansas Code § 5-65-111 is amended to read as follows:
24 5-65-111. Prison terms - Exception.

25 (a)(1) Any person who pleads guilty or nolo contendere to, or is found
26 guilty of, violating § 5-65-103, for a first offense, may be imprisoned for
27 no less than twenty-four (24) hours and no more than one (1) year, except
28 that the court may order public service in lieu of jail, and in that
29 instance, the court shall include the reasons therefor in its written order
30 or judgment.

31 (2) However, if a passenger under sixteen (16) years of age was
32 in the vehicle at the time of the offense, a person who pleads guilty or nolo
33 contendere to, or is found guilty of, violating § 5-65-103, for a first
34 offense, may be imprisoned for no fewer than seven (7) days and no more than
35 one (1) year, ~~except that the court may order public service in lieu of jail,~~
36 ~~and in that instance, the court shall include the reasons therefor in its~~



1 ~~written order or judgment.~~

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

6 (1)(A) For no fewer than seven (7) days but no more than one (1)
 7 year for the second offense occurring within five (5) years of the first
 8 offense or no fewer than thirty (30) days of community service.

9 (B)~~(i)~~ However, if a person under sixteen (16) years of
 10 age was in the vehicle at the time of the offense, for no fewer than thirty
 11 (30) days but no more than one (1) year for the second offense occurring
 12 within five (5) years of the first offense ~~or no fewer than sixty (60) days~~
 13 ~~of community service.~~

14 ~~(ii) If the court orders community service, the~~
 15 ~~court shall clearly set forth in written findings the reasons for the order~~
 16 ~~of community service;~~

17 (2)(A) For no fewer than ninety (90) days but no more than one
 18 (1) year for the third offense occurring within five (5) years of the first
 19 offense or no fewer than ninety (90) days of community service.

20 (B)~~(i)~~ However, if a person under sixteen (16) years of
 21 age was in the vehicle at the time of the offense, for no fewer than one
 22 hundred twenty days (120) days but no more than one (1) year for the third
 23 offense occurring within five (5) years of the first offense ~~or no fewer than~~
 24 ~~one hundred twenty (120) days of community service.~~

25 ~~(ii) If the court orders community service, the~~
 26 ~~court shall clearly set forth in written findings the reasons for the order~~
 27 ~~of community service;~~

28 (3)(A) For at least one (1) year but no more than six (6) years
 29 for the fourth offense occurring within five (5) years of the first offense
 30 or not less than one (1) year of community service and shall be guilty of a
 31 felony.

32 (B)~~(i)~~ However, if a person under sixteen (16) years of
 33 age was in the vehicle at the time of the offense, for at least two (2) years
 34 but no more than six (6) years for the fourth offense occurring within five
 35 (5) years of the first offense ~~or not less than two (2) years of community~~
 36 ~~service~~ and shall be guilty of a felony.

