

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
4

A Bill

HOUSE BILL 2704

5 By: Representative Thomason
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For An Act To Be Entitled

9 AN ACT CONCERNING DRIVING PRIVILEGES OF JUVENILES
10 ADJUDICATED DELINQUENT; AND FOR OTHER PURPOSES.
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Subtitle

12 AN ACT CONCERNING DRIVING PRIVILEGES OF
13 JUVENILES ADJUDICATED DELINQUENT.
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17 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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19 SECTION 1. Arkansas Code § 5-64-710 is amended to read as follows:

20 5-64-710. Denial of driving privileges for minor - Restricted permit.

21 (a) As used in this section:

22 (1) "Drug offense" means the possession, distribution,
23 manufacture, cultivation, sale, transfer, or the attempt or conspiracy to
24 possess, distribute, manufacture, cultivate, sell, or transfer any substance
25 the possession of which is prohibited under the Uniform Controlled Substances
26 Act, § 5-64-101 et seq., or the operation of a motor vehicle under the
27 influence of such a substance;

28 (2) "Substance, the possession of which is prohibited under the
29 Uniform Controlled Substances Act" or "substance", as such phrase and term
30 are utilized in subdivision (a)(1) of this section, means a controlled or
31 counterfeit chemical, as those terms are defined in subsections 102(6) and
32 (7) of the Comprehensive Drug Abuse Prevention and Control Act of 1970; and

33 (3) "Motor vehicle", as such term is utilized in subdivision
34 (a)(1) of this section, means any vehicle which is self-propelled by which
35 persons or things may be transported upon a public highway and is registered
36 in the State of Arkansas or of the type subject to registration in Arkansas,



1 provided, such term shall also mean and include any "motorcycle", "motor-
 2 driven cycle", or "motorized bicycle", as such terms are defined in § 27-20-
 3 101 and any "commercial motor vehicle" as defined in § 27-23-103.

4 (b)(1)(A) Whenever a person who is less than eighteen (18) years of
 5 age pleads guilty or nolo contendere to, or is found guilty of, driving while
 6 intoxicated under § 5-65-101 et seq., or of any criminal offense involving
 7 the illegal possession or use of controlled substances, or of any drug
 8 offense, in this state or any other state, ~~or is found by a juvenile court to~~
 9 ~~have committed such an offense~~, the court having jurisdiction of such matter,
 10 including any federal court, shall prepare and transmit to the Department of
 11 Finance and Administration an order of denial of driving privileges for the
 12 minor.

13 (B) Courts within the State of Arkansas shall prepare and
 14 transmit all such orders within twenty-four (24) hours after the plea or
 15 finding to the department.

16 (C) Courts outside Arkansas having jurisdiction over any
 17 such person holding driving privileges issued by the State of Arkansas shall
 18 prepare and transmit such orders pursuant to agreements or arrangements
 19 entered into between that state and the Director of the Department of Finance
 20 and Administration.

21 (D) Such arrangements or agreements may also provide for
 22 the forwarding by the department of orders issued by courts within this state
 23 to the state wherein any such person holds driving privileges issued by that
 24 state.

25 (2) For any such person holding driving privileges issued by the
 26 State of Arkansas, courts within this state in cases of extreme and unusual
 27 hardship may provide in an order for the issuance of a restricted driving
 28 permit to allow driving to and from a place of employment or driving to and
 29 from school.

30 (c)(1) Penalties Except as provided in subdivision (c)(2) of this
 31 section, penalties prescribed in this section and § 27-16-914 shall be in
 32 addition to all other penalties prescribed by law for the offenses covered by
 33 this section and § 27-16-914.

34 (2) Juveniles adjudicated delinquent shall be subject to the
 35 juvenile dispositions provided in § 9-27-330.

36 (d) In regard to any offense involving illegal possession under this

1 section, it shall be a defense if the controlled substance is the property of
2 an adult who owns the vehicle.

3 (e) If a juvenile is found delinquent for any offense described in
4 subsections (a) or (b) of this section, the circuit court may order any
5 juvenile disposition available under § 9-27-330.

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