

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

As Engrossed: S3/28/05

# A Bill

SENATE BILL 1063

5 By: Senator Wooldridge  
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7

## For An Act To Be Entitled

9 AN ACT TO CREATE THE OMNIBUS DWI ACT REVISION  
10 COMMISSION; AND FOR OTHER PURPOSES.  
11

### Subtitle

12 TO CREATE THE OMNIBUS DWI ACT  
13 REVISION COMMISSION.  
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18 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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20 SECTION 1. Arkansas Code Title 5, Chapter 65, Subchapter 5 is amended  
21 to add additional sections to read as follows:

22 5-65-501. The Omnibus DWI Act Revision Commission.

23 (a) There is created the Omnibus DWI Act Revision Commission.

24 (b) The commission shall consist of the following members:

25 (1) The Governor or the Governor's designee;

26 (2) The Chair of the House Judiciary Committee or the chair's  
27 designee;

28 (3) The Chair of the Senate Judiciary Committee or the chair's  
29 designee;

30 (4) The Chair of the House Interim Committee on Public Health,  
31 Welfare and Labor or the chair's designee;

32 (5) The Chair of the Senate Interim Committee on Public Health,  
33 Welfare and Labor or the chair's designee;

34 (6) The Director of the Department of Finance and Administration  
35 or the director's designee;

36 (7) The Administrator of the Office of Driver Services of the



1 Revenue Division of the Department of Finance and Administration;

2 (8) The Director of the Department of Health or the director's  
3 designee;

4 (9) The Director of the Office of Alcohol Testing of the  
5 Department of Health;

6 (10) The Attorney General or his or her designee;

7 (11) The Prosecutor Coordinator or his or her designee;

8 (12) The Director of the Public Defender Commission or the  
9 director's designee;

10 (13) A public defender who regularly appears in the court for  
11 matters pertaining to this chapter to be appointed by the Director of the  
12 Public Defender Commission;

13 (14) A prosecutor who regularly appears in court for matters  
14 pertaining to this chapter to be appointed by the Prosecutor Coordinator;

15 (15) One (1) attorney who regularly practices in matters  
16 pertaining to this chapter chosen from a list of ten (10) persons submitted  
17 by the President of the Arkansas Bar Association to be appointed by the  
18 President Pro Tempore of the Senate;

19 (16) One (1) attorney who regularly practices in matters  
20 pertaining to this chapter chosen from a list of ten (10) persons submitted  
21 by the President of the Arkansas Bar Association to be appointed by the  
22 Speaker of the House of Representatives;

23 (17) A circuit court judge who regularly hears matters  
24 pertaining to this chapter to be appointed by the Chief Justice of the  
25 Arkansas Supreme Court;

26 (18) A district court judge who regularly hears matters  
27 pertaining to this chapter to be appointed by the Chief Judge of the Court of  
28 Appeals;

29 (19) A judge of the Court of Appeals to be appointed by the  
30 Chief Judge of the Court of Appeals;

31 (20) A Supreme Court Justice selected by the Chief Justice of  
32 the Arkansas Supreme Court;

33 (21) The Director of the Administrative Office of the Courts or  
34 the director's designee;

35 (22) The Director of the Department of Arkansas State Police or  
36 the director's designee;

1           (23) The Director of the Arkansas State Highway and  
2 Transportation Department or the director's designee;

3           (24) A person who represents the views of Mothers Against Drunk  
4 Driving to be appointed by the Chair of the Senate Judiciary Committee;

5           (25) A person chosen from a list of five (5) names submitted by  
6 the Arkansas Police Chiefs Association to be appointed by the Chair of the  
7 House Judiciary Committee;

8           (26) A person chosen from a list of five (5) names submitted by  
9 the Arkansas Sheriffs Association to be appointed by the Chair of the Senate  
10 Interim Committee on Public Health, Welfare, and Labor;

11           (27) A person chosen from a list of five (5) names submitted by  
12 the Arkansas Municipal Police Association to be appointed by the chair of the  
13 House Interim Committee on Public Health, Welfare, and Labor;

14           (28) The Executive Director of the Arkansas Code Revision  
15 Commission or the director's designee;

16           (29) The Director of the Bureau of Legislative Research or the  
17 director's designee;

18           (30) The Director of the Division of Behavioral Health of the  
19 Department of Human Services or the director's designee;

20           (31) The Administrator of the Highway Safety Program or his or  
21 her designee;

22           (32) The Executive Director of the State Crime Laboratory or the  
23 director's designee;

24           (33) The Director of the Arkansas State Game and Fish Commission  
25 or the director's designee; and

26           (34) The Arkansas Drug Director or the director's designee.

27           (c)(1) The Chair of the Senate Judiciary Committee or the chair's  
28 designee shall call the first meeting within thirty (30) days of the  
29 effective date of this act and shall serve as chair at the first meeting.

30           (2) At the first meeting, the members of the commission shall  
31 elect from its membership a chair and other officers as needed for the  
32 transaction of its business.

33           (3)(A) The commission shall conduct its meetings in Pulaski  
34 County at the State Capitol.

35           (B) Meetings shall be held at least one (1) time every  
36 three (3) months, but may occur more often at the call of the chair.

1 (d)(1) Except as provided in subdivision (d)(2) of this section, if a  
2 vacancy occurs on the Omnibus DWI Act Revision Commission, the vacancy shall  
3 be filled by the same process as the original appointment.

4 (2) If a judicial member of the Omnibus DWI Act Revision  
5 Commission recuses himself or herself from discussions or voting to preserve  
6 his or her impartiality in matters pending currently or likely to come before  
7 him or her in court, then the Chair of the Omnibus DWI Act Revision  
8 Commission shall replace that member with a licensed attorney who has at  
9 least five (5) years of experience in the area of the Omnibus DWI Act, § 5-  
10 65-101 et seq., and who is a citizen of the State of Arkansas.

11 (e) The commission shall establish rules and procedures for conducting  
12 its business.

13 (f) Members of the commission shall serve without compensation, but  
14 may receive expense reimbursement according to § 25-16-902.

15 (g) A majority of the members of the commission shall constitute a  
16 quorum for transacting any business of the commission.

17 (h) The Bureau of Legislative Research shall provide staff for the  
18 commission.

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20 5-65-502. Duties of the Omnibus DWI Act Revision Commission.

21 (a) The Omnibus DWI Act Revision Commission shall:

22 (1) Develop a comprehensive, reorganized, revised, and  
23 modernized version of:

24 (A) The Omnibus DWI Act, § 5-65-101 et seq.; and

25 (B) Any other provision of law pertaining to driving under  
26 the influence of alcohol or intoxicating substances; and

27 (2) Present the following to the Senate Interim Committee on  
28 Judiciary, the House Interim Committees on Judiciary, the Senate Interim  
29 Committee on Public Health, Welfare, and Labor, and the House Interim  
30 Committee on Public Health, Welfare, and Labor no later than October 1, 2006:

31 (A) A bill draft that includes the commission's  
32 recommended legislative changes; and

33 (B) A written explanation of the recommended legislative  
34 changes.

35 (b) The chair of the commission shall:

36 (1) Create subcommittees to address the different issues under

1 the Omnibus DWI Act.

2 (2) Appoint members to each subcommittee to review all of the  
3 laws and procedures; and

4 (3) Allow each subcommittee to report on its proposed changes to  
5 the full commission.

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7 SECTION 2. The commission expires July 1, 2007.

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9 */s/ Wooldridge*

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