

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 86th General Assembly
3 Regular Session, 2007

A Bill

HOUSE BILL 1414

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

8
9 AN ACT CONCERNING ALCOHOL EDUCATION PROGRAMS FOR
10 PERSONS CONVICTED OF DRIVING WHILE INTOXICATED;
11 AND FOR OTHER PURPOSES.
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Subtitle

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14 AN ACT CONCERNING ALCOHOL EDUCATION
15 PROGRAMS FOR PERSONS CONVICTED OF
16 DRIVING WHILE INTOXICATED.
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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 § 5-65-109(a), concerning presentence
22 screenings and assessment reports, is amended to read as follows:

23 (a) The court shall immediately request and the ~~Highway Safety Program~~
24 Bureau of Alcohol and Drug Abuse Prevention or its designee shall provide a
25 presentence screening and assessment report of the defendant upon a plea of
26 guilty or nolo contendere to ~~or a finding of guilt of~~ violating § 5-65-103 or
27 § 5-65-303.
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29 SECTION 2. Arkansas Code § 5-65-115(a), concerning alcohol treatment
30 or education programs, is amended to read as follows:

31 (a)(1) Any person whose driving privileges are suspended or revoked
32 for violating § 5-65-103, § 5-65-303, § 5-65-310, or § 3-3-203 is required to
33 complete an alcohol education program ~~or an alcoholism treatment program as~~
34 approved by the Bureau of provided by a contractor with the Bureau of Alcohol
35 and Drug Abuse Prevention of the Department of Health and Human Services ~~or a~~
36 ~~program required under § 5-65-104(b)(1), in addition to any other penalty~~



1 ~~provided by law~~ an alcoholism treatment program licensed by the Bureau of
 2 Alcohol and Drug Abuse Prevention.

3 (2)(A) The alcohol education program may collect a program fee
 4 of up to one hundred twenty-five dollars (\$125) per enrollee to offset
 5 program costs.

6 (B)(i) A person ordered to complete an alcohol education
 7 program ~~or alcoholism treatment program~~ under this section may be required to
 8 pay, in addition to the costs collected for education or treatment, a fee of
 9 up to twenty-five dollars (\$25.00) to offset the additional costs associated
 10 with reporting requirements under this subchapter.

11 (ii) The alcohol education program shall report
 12 semiannually to the bureau all revenue derived from this fee.

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 14 SECTION 3. Arkansas Code § 5-65-307 is amended to read as follows:

15 5-65-307. Alcohol and driving education program.

16 (a)(1)(A) Any ~~underage~~ person who has his or her driving privileges
 17 suspended, revoked, or denied for violating § 3-3-203 or § 5-65-303 is
 18 required to complete an alcohol and driving education program for underage
 19 drivers as prescribed and approved by the Bureau of Alcohol and Drug Abuse
 20 Prevention of the Division of Behavioral Health Services of the Department of
 21 Health and Human Services or an alcoholism treatment program licensed by the
 22 bureau, or both, in addition to any other penalty provided in this ~~subchapter~~
 23 chapter.

24 (B) If during the period of suspension or revocation in subdivision
 25 (a)(1)(A) of this section the underage person commits an additional violation
 26 of § 5-65-303, the underage person is also required to complete an approved
 27 alcohol and driving education program or alcoholism treatment program for
 28 each additional violation.

29 (2) The bureau shall approve only those programs in alcohol and
 30 driving education that are targeted at the underage driving group and are
 31 intended to intervene and prevent repeat occurrences of driving under the
 32 influence or driving while intoxicated.

33 (3)(A)(i) The alcohol and driving education program may collect
 34 a program fee of up to one hundred twenty-five dollars (\$125) per enrollee to
 35 offset program costs.

36 (ii) An underage person ordered to complete an

1 alcohol and driving education program or an alcoholism treatment program
 2 under this section may be required to pay, in addition to the costs collected
 3 for the program, a fee of up to twenty-five dollars (\$25.00) to offset the
 4 additional costs associated with reporting requirements under this
 5 subchapter.

6 (B) An approved alcohol and driving education program
 7 shall report semiannually to the bureau all revenue derived from these fees.

8 (b) Prior to reinstatement of a driver's license suspended or revoked
 9 under this subchapter, the driver shall furnish proof of attendance at and
 10 completion of the alcohol and driving education program or alcoholism
 11 treatment program required under subdivision (a)(1) of this section.

12 (c) The bureau may promulgate rules and regulations reasonably
 13 necessary to carry out the purposes of this section regarding the approval
 14 and monitoring of the alcohol and driving education programs.

15 (d)(1)(A) A person whose license is suspended or revoked for violating
 16 § 5-65-303 or § 5-65-310 shall:

17 (i) Both:

18 (a) Furnish proof of attendance at and
 19 completion of the alcohol and driving education program or alcoholism
 20 treatment program required under subdivision (a)(1) of this section before
 21 reinstatement of his or her suspended or revoked driver's license; and

22 (b) Pay any fee for reinstatement required
 23 under § 5-65-119 or § 5-65-304; or

24 (ii) Furnish proof of dismissal or acquittal of the
 25 charge on which the suspension or revocation is based.

26 (B) An application for reinstatement shall be made to the
 27 Office of Driver Services.

28 (2) Even if a person has filed a de novo petition for review
 29 pursuant to § 5-65-402, the person is entitled to reinstatement of driving
 30 privileges upon complying with this subsection and is not required to
 31 postpone reinstatement until the disposition of the de novo review in circuit
 32 court has occurred.

33 (3)(A) A person suspended under this subchapter may enroll in an
 34 alcohol education program prior to disposition of the offense by the circuit
 35 court, district court, or city court, but is not entitled to any refund of
 36 fees paid if the charges are dismissed or if the person is acquitted of the

1 charges.

2 (B) A person who enrolls in an alcohol education program
3 is not entitled to any refund of fees paid if the person is subsequently
4 acquitted.

5 (e) Any alcohol and driving education program ~~or alcoholism treatment~~
6 ~~program~~ shall remit the fees imposed under this section to the bureau.

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