

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
4

As Engrossed: S3/1/07
A Bill

HOUSE BILL 1414

5 By: Representative Allen
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8 **For An Act To Be Entitled**

9 AN ACT CONCERNING ALCOHOL EDUCATION PROGRAMS FOR
10 *PERSONS CONVICTED OF DRIVING WHILE INTOXICATED;*
11 *AMENDING ARKANSAS CODE § 20-64-601 CONCERNING THE*
12 *NAME OF THE BUREAU OF ALCOHOL AND DRUG ABUSE*
13 *PREVENTION; AND FOR OTHER PURPOSES.*
14

15 **Subtitle**

16 AN ACT CONCERNING ALCOHOL EDUCATION
17 PROGRAMS FOR PERSONS CONVICTED OF
18 *DRIVING WHILE INTOXICATED AND CHANGING*
19 *THE NAME OF THE BUREAU OF ALCOHOL AND*
20 *DRUG ABUSE PREVENTION.*
21
22

23 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
24

25 *SECTION 1. Arkansas Code § 5-65-109(a), concerning presentence*
26 *screenings and assessment reports, is amended to read as follows:*

27 *(a) The court shall immediately request and the ~~Highway Safety Program~~*
28 *Office of Alcohol and Drug Abuse Prevention or its designee shall provide a*
29 *presentence screening and assessment report of the defendant upon a plea of*
30 *guilty or nolo contendere to or a finding of guilt of violating § 5-65-103 or*
31 *§ 5-65-303.*
32

33 *SECTION 2. Arkansas Code § 5-65-115(a), concerning alcohol treatment*
34 *or education programs, is amended to read as follows:*

35 *(a)(1) Any person whose driving privileges are suspended or revoked*
36 *for violating § 5-65-103, § 5-65-303, § 5-65-310, or § 3-3-203 is required to*



1 complete an alcohol education program ~~or an alcoholism treatment program as~~
 2 ~~approved by the Bureau of~~ provided by a contractor with the Office of Alcohol
 3 and Drug Abuse Prevention of the Department of Health and Human Services or a
 4 ~~program required under § 5-65-104(b)(1), in addition to any other penalty~~
 5 ~~provided by law~~ an alcoholism treatment program licensed by the Office of
 6 Alcohol and Drug Abuse Prevention.

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

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

15 (ii) The alcohol education program shall report
 16 ~~semiannually~~ monthly to the ~~bureau~~ office all revenue derived from this fee.

17
 18
 19 SECTION 3. Arkansas Code § 5-65-307 is amended to read as follows:
 20 5-65-307. Alcohol and driving education program.

21 (a)(1)(A) Any ~~underage~~ person who has his or her driving privileges
 22 suspended, revoked, or denied for violating § 3-3-203, § 5-65-310, or § 5-65-
 23 303 is required to complete an alcohol and driving education program for
 24 underage drivers as prescribed and approved by the ~~Bureau~~ Office of Alcohol
 25 and Drug Abuse Prevention of the Division of Behavioral Health Services of
 26 the Department of Health and Human Services or an alcoholism treatment
 27 program licensed by the Office of Alcohol and Drug Abuse Prevention, or both,
 28 in addition to any other penalty provided in this ~~subchapter~~ chapter.

29 (B) If during the period of suspension or revocation in subdivision
 30 (a)(1)(A) of this section the underage person commits an additional violation
 31 of §§ 3-3-203 or 5-65-303, the underage person is also required to complete
 32 an approved alcohol and driving education program or alcoholism treatment
 33 program for each additional violation.

34 (2) The ~~bureau~~ Office of Alcohol and Drug Abuse Prevention shall
 35 approve only those programs in alcohol and driving education that are
 36 targeted at the underage driving group and are intended to intervene and

1 prevent repeat occurrences of driving under the influence or driving while
2 intoxicated.

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

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

12 (B) An approved alcohol and driving education program
13 shall report ~~semiannually~~ monthly to the ~~bureau~~ Office of Alcohol and Drug
14 Abuse Prevention all revenue derived from these fees.

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

19 (c) The ~~bureau~~ Office of Alcohol and Drug Abuse Prevention may
20 promulgate rules ~~and regulations~~ reasonably necessary to carry out the
21 purposes of this section regarding the approval and monitoring of the alcohol
22 and driving education programs.

23 (d)(1)(A) A person whose license is suspended or revoked for violating
24 § 5-65-303 or § 5-65-310 shall:

25 (i) Both:

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

30 (b) Pay any fee for reinstatement required under § 5-65-119 or § 5-65-
31 304; or

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

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

36 (2) Even if a person has filed a de novo petition for review

1 pursuant to § 5-65-402, the person is entitled to reinstatement of driving
2 privileges upon complying with this subsection and is not required to
3 postpone reinstatement until the disposition of the de novo review in circuit
4 court has occurred.

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

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

13 (e) Any alcohol and driving education program ~~or alcoholism treatment~~
14 ~~program~~ shall remit the fees imposed under this section to the bureau Office
15 of Alcohol and Drug Abuse Prevention.

16
17 SECTION 4. Arkansas Code § 20-64-601 is amended to read as follows:
18 20-64-601. Bureau Office of Alcohol and Drug Abuse Prevention -
19 Creation.

20 (a) There is established within the ~~Department of Health~~ Division of
21 Behavioral Health Services of the Department of Health and Human Services a
22 Bureau an Office of Alcohol and Drug Abuse Prevention to be located under the
23 Office of the Director of the Department of Health and Human Services.

24 (b) The head of the office shall be appointed by the Director of the
25 Department of Health and Human Services.

26 (c) Such personnel as are necessary shall be appointed by the office
27 head to carry out the powers, duties, functions, and responsibilities of the
28 bureau, in accordance with the requirements of law within the limits of
29 available appropriations.

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31 SECTION 5. NOT TO BE CODIFIED. The Arkansas Code Revision Commission
32 shall make appropriate name changes in the Arkansas Code to implement the
33 name change under Section 4 of this act.

34
35 /s/ Allen
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