

State of Arkansas
86th General Assembly
Regular Session, 2007

A Bill

SENATE BILL 845

By: Senator Critcher

For An Act To Be Entitled

AN ACT TO REQUIRE A CHEMICAL TEST OF THE BLOOD,
BREATH, OR URINE OF THE DRIVER OF A MOTOR VEHICLE
INVOLVED IN AN ACCIDENT RESULTING IN A DEATH
BASED ON REASONABLE SUSPICION THAT THE DRIVER IS
UNDER THE INFLUENCE OF ALCOHOL OR DRUGS OR BOTH;
AND FOR OTHER PURPOSES.

Subtitle

TO REQUIRE A CHEMICAL TEST OF THE BLOOD,
BREATH, OR URINE OF THE DRIVER OF A
MOTOR VEHICLE INVOLVED IN AN ACCIDENT
RESULTING IN A DEATH BASED ON REASONABLE
SUSPICION.

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

SECTION 1. Arkansas Code § 5-65-208 is amended to read as follows:

5-65-208. Collisions - Testing required.

(a)(1) When the driver of a ~~motor~~ motorized vehicle is involved in ~~an~~
~~accident~~ a crash resulting in loss of human life or when there is reason to
believe death may result, and there exists ~~probable cause~~ a reasonable
suspicion to believe that the driver is guilty of a violation of the state's
law prohibiting driving while under the influence, in addition to a penalty
established elsewhere under state law, a chemical test of the driver's blood,
breath, or urine shall be administered to the driver, even if fatally
injured, to determine the presence of and percentage of concentration of
alcohol or drugs, or both, in the driver's body.



1 (2) If any provision of law is inconsistent with subdivision
2 (a)(1) of this section, subdivision (a)(1) shall apply and control.

3 (b)(1) The ~~police~~ law enforcement officer who responds to the
4 collision, the physician in attendance, or any other person designated by
5 state law who was present when the death occurred, shall order the chemical
6 test as soon as practicable.

7 (2)(A) The medical personnel who conducted the chemical test
8 under subsection (a) of this section of the driver's blood, breath, or urine
9 shall forward the results of the chemical test to the Department of Arkansas
10 State Police, and the department shall establish and maintain the results of
11 the analyses required by subsection (a) of this section in a database.

12 (B) The information in the database shall reflect the
13 number of fatal motor vehicle accidents in which:

14 (i) Alcohol was found to be a factor, with the
15 percentage of alcohol concentration involved;

16 (ii) Drugs were found to be a factor, listing the
17 class of drugs so found and their amounts; and

18 (iii) Both alcohol and drugs were found to be
19 factors, with the percentage of alcohol concentration involved, and listing
20 the class of drugs so found and their amounts.

21 ~~(c) The results of the analyses required by this section shall be~~
22 ~~reported to the department and may be used by state and local officials only~~
23 ~~for statistical purposes that do not reveal the identity of the deceased~~
24 ~~person.~~

25 (c) If there exists a probable cause to believe that any individual,
26 other than the driver, was under the influence of an intoxicating substance
27 and whose conduct was a contributing factor to the crash, including a
28 pedestrian, the investigating law enforcement officer shall have a chemical
29 test of the person's blood, breath, or urine administered, even if fatally
30 injured, to determined the presence of and percentage of concentration of
31 alcohol or drugs, or both, in the person's body.