1   State of Arkansas

2   87th General Assembly

3   Regular Session, 2009

A Bill

HOUSE BILL   1227

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5   By: Representative Nix

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8   **For An Act To Be Entitled**

9   AN ACT TO LOWER THE BLOOD-ALCOHOL LEVEL THRESHOLD

10   FOR REPEAT DWI OFFENDERS IF A PERSON IS DRIVING

11   WHILE INTOXICATED ON A LICENSE SUSPENDED BECAUSE

12   OF A PRIOR DWI CONVICTION; AND FOR OTHER

13   PURPOSES.

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15   **Subtitle**

16   AN ACT TO LOWER THE BLOOD-ALCOHOL LEVEL

17   THRESHOLD FOR REPEAT DWI OFFENDERS IF A

18   PERSON IS DRIVING WHILE INTOXICATED ON A

19   LICENSE SUSPENDED BECAUSE OF A PRIOR DWI

20   CONVICTION.

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

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25   SECTION 1. Arkansas Code § 5-65-103 is amended to read as follows:

26   5-65-103. Unlawful acts.

27   (a) It is unlawful and punishable as provided in this act for any

28   person who is intoxicated to operate or be in actual physical control of a

29   motor vehicle.

30   (b) It is unlawful and punishable as provided in this act for any

31   person to operate or be in actual physical control of a motor vehicle if:

32   (1) at At that time the alcohol concentration in the person's

33   breath or blood was eight-hundredths (0.08) or more based upon the definition

34   of breath, blood, and urine concentration in § 5-65-204.; or

35   (2) At that time:

36   (A) The person's driver's license was suspended under § 5-

1 65-104(a)(2) and the person did not have an ignition interlock restricted

2 license under § 5-65-104(a)(3); and

3 (B) The alcohol concentration in the person's breath or

4 blood was five-hundredths (0.05) or more based upon the definition of breath,

5 blood, and urine concentration in § 5-65-204.

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