

1 State of Arkansas As Engrossed: H3/17/15 H3/20/15 H3/23/15

2 90th General Assembly

# A Bill

3 Regular Session, 2015

HOUSE BILL 1645

4

5 By: Representative Bentley

6 By: Senator G. Stubblefield

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## For An Act To Be Entitled

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AN ACT TO AUTHORIZE THE ISSUANCE OF A RESTRICTED

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DRIVING PERMIT UPON SUSPENSION OF THE DRIVER'S

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LICENSE OF A SPECIALTY COURT PROGRAM PARTICIPANT; AND

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FOR OTHER PURPOSES.

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## Subtitle

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TO AUTHORIZE THE ISSUANCE OF A RESTRICTED

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DRIVING PERMIT UPON SUSPENSION OF THE

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DRIVER'S LICENSE OF A SPECIALTY COURT

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PROGRAM PARTICIPANT.

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

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*SECTION 1. Arkansas Code § 27-16-915(a) and (b), concerning the authority of a court to suspend driving privileges upon conviction for a drug offense, are amended to read as follows:*

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*(a) As used in this section, ~~the term "drug offense" shall have the same meaning ascribed to that term as provided in § 5-64-710;~~*

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*(1) "Drug offense" has the meaning as provided in § 5-64-710;*

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*and*

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*(2) "Specialty court" means one (1) of the following:*

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*(A) A pre-adjudication program under § 5-4-901 et seq.;*

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*(B) An approved drug court program under the Arkansas Drug*

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*Court Act, § 16-98-301 et seq.;*

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*(C) A probation program under the Swift and Certain*

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*Accountability on Probation Pilot Program under § 16-93-1701 et seq.; or*



1 (D) A specialty court program that has been  
 2 approved by the Supreme Court, including without limitation a specialty court  
 3 program known as:

4 (i) A DWI court;

5 (ii) A mental health court;

6 (iii) A veteran's court;

7 (iv) A juvenile drug court;

8 (v) A "HOPE" court; or

9 (vi) A "smarter sentencing" court.

10 (b)(1)(A) ~~Whenever~~ When a person is accepted and enrolled in a court-  
 11 approved pre-adjudication specialty court program for an offense involving  
 12 the illegal possession or use of a controlled substance or, pleads guilty, or  
 13 nolo contendere, or is found guilty of any criminal offense involving the  
 14 illegal possession or use of controlled substances under the Uniform  
 15 Controlled Substances Act, § 5-64-101 et seq., or of any drug offense, in  
 16 this state or any other state, the court having jurisdiction of the matter,  
 17 including any federal court, shall prepare and transmit to the Department of  
 18 Finance and Administration an order to suspend the driving privileges of the  
 19 person for six (6) months, provided ~~any such~~ the order regarding a person who  
 20 is a holder of a commercial driver's license issued under the Arkansas  
 21 Uniform Commercial Driver License Act, § 27-23-101 et seq., or under the laws  
 22 of ~~any other~~ another state shall include the suspension of the driving  
 23 privileges of that person to drive ~~any a~~ a commercial motor vehicle, as the  
 24 term "commercial motor vehicle" is defined in § 27-23-103, or as similarly  
 25 defined by the laws of any other state, for a period of one (1) year.

26 (B) Courts within the State of Arkansas shall prepare and  
 27 transmit ~~all such orders~~ an order within twenty-four (24) hours after the  
 28 plea or finding to the department.

29 (C) Courts outside Arkansas having jurisdiction over ~~any~~  
 30 ~~such a~~ a person holding driving privileges issued by the State of Arkansas  
 31 shall prepare and transmit ~~such orders~~ an order pursuant to ~~agreements or~~  
 32 ~~arrangements~~ an agreement or arrangement entered into between that state and  
 33 the Director of the Department of Finance and Administration.

34 (D) ~~Such arrangements or agreements~~ The agreement or  
 35 arrangement ~~may~~ shall also provide for the forwarding by the department of  
 36 ~~orders~~ an order issued by ~~courts~~ a court within this state to the state

1 ~~wherein any such~~ where the person holds driving privileges issued by that  
 2 state.

3 (2) For ~~any such~~ a person holding driving privileges issued by  
 4 the State of Arkansas, ~~courts~~ a court within the State of Arkansas ~~in cases~~  
 5 ~~of extreme and unusual hardship~~ may shall provide in an order for the  
 6 issuance of a restricted driving permit to allow driving to and from:

7 (A) A mandatory court appearance;

8 (B) A mandatory random drug-testing appearance;

9 (C) a A place of employment as required in the scope of  
 10 employment; ~~or~~

11 (D) ~~to and from any~~ A scheduled ~~sessions~~ session or  
 12 ~~meetings~~ meeting of a support ~~organizations~~, or counseling organization;

13 (E) ~~education~~, An educational institution for the purpose  
 14 of attending a class if the person is enrolled in a course of study or  
 15 program of training at the educational institution; ~~or~~

16 (F) A treatment program for persons who have addiction or  
 17 abuse problems related to ~~any~~ a substance or controlled substances; or

18 (G) A doctor, hospital, or clinic appointment or admission  
 19 for medical treatment or care for an illness, disease, or other medical  
 20 condition of the person or a family member.

21 (3)(A) Except as provided in subdivision (b)(4) of this section,  
 22 a person in a specialty court program shall be issued a restricted driving  
 23 permit in order to drive for specialty court-approved purposes during  
 24 enrollment, compliance, and participation in the specialty court program.

25 (B) Acceptance in a specialty court program shall not  
 26 waive or set aside:

27 (i) A previous order issued by a court requiring  
 28 payment of fines, fees, or court costs; or

29 (ii) A requirement for payment of a reinstatement  
 30 fee to the department for re-issuance of valid driver's license.

31 (4) The permit that is issued pursuant to this section is not  
 32 available to a person with a driver's license that is suspended for a  
 33 violation under:

34 (A) Section 5-65-101;

35 (B) Section 9-14-239;

36 (C) Section 27-16-905;

- 1 (D) Section 27-16-907(b)(4)-(6);
- 2 (E) Section 27-16-908;
- 3 (F) Section 27-16-909;
- 4 (G) Section 27-19-707(e)(2), unless the judgment creditor
- 5 furnishes written consent; and
- 6 (H) The Arkansas Uniform Commercial Driver License Act,
- 7 § 27-23-103 et seq.
- 8 (5)(A) Unless the person terminates from the specialty court
- 9 program, the restricted driving permit issued under this section shall be
- 10 effective for eighteen (18) months.
- 11 (B) Thereafter, the person shall be required to reapply
- 12 for issuance of a restricted driving permit pursuant to the provisions of
- 13 this section.SECTION 1. The purpose of this bill is to authorize the
- 14 issuance of a restricted driving permit to a specialty court program
- 15 participant who has a suspended driver's license.

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17 /s/Bentley  
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