

1 State of Arkansas *As Engrossed: H3/17/15 H3/20/15 H3/23/15 S3/30/15*

2 90th General Assembly

A Bill

3 Regular Session, 2015

HOUSE BILL 1645

4
5 By: Representative Bentley

6 By: Senator G. Stubblefield

For An Act To Be Entitled

9 AN ACT TO AUTHORIZE THE ISSUANCE OF A RESTRICTED
10 DRIVING PERMIT UPON SUSPENSION OF THE DRIVER'S
11 LICENSE OF A SPECIALTY COURT PROGRAM PARTICIPANT; AND
12 FOR OTHER PURPOSES.

Subtitle

16 TO AUTHORIZE THE ISSUANCE OF A RESTRICTED
17 DRIVING PERMIT UPON SUSPENSION OF THE
18 DRIVER'S LICENSE OF A SPECIALTY COURT
19 PROGRAM PARTICIPANT.

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

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

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

29 *(1) "Drug offense" means the same as provided in § 5-64-710; and*

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

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

32 *(B) An approved drug court program under the Arkansas Drug*
33 *Court Act, § 16-98-301 et seq.;*

34 *(C) A probation program under the Swift and Certain*
35 *Accountability on Probation Pilot Program under § 16-93-1701 et seq.; or*

36 *(D) A specialty court program that has been*



1 approved by the Supreme Court, including without limitation a specialty court
 2 program known as:

3 (i) A DWI court;

4 (ii) A mental health court;

5 (iii) A veteran's court;

6 (iv) A juvenile drug court;

7 (v) A "HOPE" court; or

8 (vi) A "smarter sentencing" court.

9 (b)(1)(A)(i) ~~Whenever~~ When a person pleads guilty, or nolo contendere,
 10 or is found guilty of any criminal offense involving the illegal possession
 11 or use of controlled substances under the Uniform Controlled Substances Act,
 12 § 5-64-101 et seq., or of any drug offense, in this state or any other state,
 13 the court having jurisdiction of the matter, including any federal court,
 14 shall prepare and transmit to the Department of Finance and Administration an
 15 order to suspend the driving privileges of the person for six (6) months.

16 (ii) provided ~~Provided any such the~~ order regarding a
 17 person who is a holder of a commercial driver's license issued under the
 18 Arkansas Uniform Commercial Driver License Act, § 27-23-101 et seq., or under
 19 the laws of ~~any other~~ another state shall include the suspension of the
 20 driving privileges of that person to drive ~~any~~ a commercial motor vehicle, as
 21 the term "commercial motor vehicle" is defined in § 27-23-103, or as
 22 similarly defined by the laws of any other state, for a period of one (1)
 23 year.

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

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

32 (D) ~~Such arrangements or agreements~~ The agreement or
 33 arrangement ~~may~~ shall also provide for the forwarding by the department of
 34 ~~orders~~ an order issued by ~~courts~~ a court within this state to the state
 35 ~~wherein any such~~ where the person holds driving privileges issued by that
 36 state.

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

5 (A) A mandatory court appearance;

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

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

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

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

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

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

19 (3)(A)(i) Except as provided in subdivision (b)(4) of this
 20 section, a specialty court that accepts and enrolls a person in a court-
 21 approved pre-adjudication or post-adjudication specialty court program for an
 22 offense involving the illegal possession or use of a controlled substance or
 23 an offense where use of a controlled substance was a contributing factor may
 24 issue a separate order that a person accepted in a specialty court program
 25 may be issued a restricted driving permit in order to drive for specialty
 26 court-approved purposes during enrollment, compliance, and participation in
 27 the specialty court program.

28 (ii) The specialty court order shall supersede a
 29 previous order to suspend a license.

30 (B) Acceptance in a specialty court program shall not
 31 wave or set aside:

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

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

36 (4) The permit that is issued pursuant to this section is not

1 available to a person with a driver's license that is suspended for a
2 violation under:

3 (A) Section 5-65-101 et seq.;

4 (B) Section 9-14-239;

5 (C) Section 27-16-905;

6 (D) Section 27-16-907(b)(4)-(6);

7 (E) Section 27-16-908;

8 (F) Section 27-16-909;

9 (G) Section 27-19-610;

10 (H) Section 27-19-707(e)(2), unless the judgment creditor
11 furnishes written consent; and

12 (I) The Arkansas Uniform Commercial Driver License Act,
13 § 27-23-103 et seq.

14 (5)(A)(i) The restricted driving permit issued under this
15 section for a person in a specialty court program shall be effective for
16 eighteen (18) months.

17 (ii) If a person terminates from the specialty court
18 program, the restricted driving permit issued pursuant to the provisions of
19 this section is revoked.

20 (B)(i) The restricted driving permit issued by the
21 specialty court shall not remain effective for a person who pleads guilty, or
22 nolo contendere, or is found guilty of a separate offense that requires
23 suspension of driving privileges subsequent to acceptance in the specialty
24 court program and issuance of the restricted driving permit.

25 (ii) If a person commits an offense as described in
26 subdivision (5)(B)(i) of this section, he or she shall be required to reapply
27 for issuance of a restricted driving permit.

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29 /s/Bentley
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