

Stricken language would be deleted from and underlined language would be added to present law.
Act 1268 of the Regular Session

State of Arkansas
89th General Assembly
Regular Session, 2013

As Engrossed: S3/28/13 H4/6/13
A Bill

SENATE BILL 1133

By: Senator J. Hutchinson

For An Act To Be Entitled

AN ACT CONCERNING THE PENALTIES FOR THE OFFENSE OF
DRIVING WHILE INTOXICATED, SIXTH OR SUBSEQUENT
OFFENSE; AND FOR OTHER PURPOSES.

Subtitle

CONCERNING THE PENALTIES FOR THE OFFENSE
OF DRIVING WHILE INTOXICATED, SIXTH OR
SUBSEQUENT OFFENSE.

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

SECTION 1. Arkansas Code § 5-65-111(b)(4)(A)(i), concerning the penalties for a fifth or subsequent offense of driving while intoxicated, is amended to read as follows:

(4)(A)(i) ~~For~~ Except as provided in § 5-65-122, for at least two (2) years but no more than ten (10) years for the fifth or subsequent offense occurring within five (5) years of the first offense or not less than two (2) years of community service and is guilty of ~~a~~ an unclassified felony.

SECTION 2. Arkansas Code § 5-65-112(3), concerning the fines for a third or subsequent offense of driving while intoxicated, is amended to read as follows:

(3) ~~No~~ Except as provided in § 5-65-122, no less than nine hundred dollars (\$900) and no more than five thousand dollars (\$5,000) for the third or subsequent offense occurring within five (5) years of the first offense.

SECTION 3. Arkansas Code Title 5, Chapter 65, Subchapter 1, is amended



to add a new section to read as follows:

5-65-122. Driving while intoxicated - Sixth or subsequent offense.

(a)(1) A sixth of subsequent offense of violating § 5-65-103 occurring within ten (10) years of a prior offense is a Class B felony.

(2)(A) A person may be sentenced under this section to two (2) years' community service in lieu of imprisonment or fine unless a person under sixteen (16) years of age was in the vehicle at the time of the offense, for which the person may be sentenced under this section to three (3) years' community service in lieu of imprisonment or fine.

(B) If the court orders community service under subdivision (a)(2)(A) of this section, it shall clearly set forth in written findings the reasons for the order of community service.

(b) The following are considered a prior offense for purposes of subsection (a) of this section:

(1) A prior conviction for violation of a penal law of another state, federal, or foreign jurisdiction that is equivalent to § 5-65-103; or

(2) A prior conviction for violation of § 5-10-105(a)(1)(A) or (B).

/s/J. Hutchinson

APPROVED: 04/16/2013