

State of Arkansas  
89th General Assembly  
Regular Session, 2013

As Engrossed: S4/5/13  
**A Bill**

SENATE BILL 874

By: Senator Rapert

**For An Act To Be Entitled**

AN ACT TO AMEND THE OFFENSE OF NEGLIGENT HOMICIDE;  
AND FOR OTHER PURPOSES.

**Subtitle**

TO AMEND THE OFFENSE OF NEGLIGENT  
HOMICIDE.

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

SECTION 1. Arkansas Code § 5-10-105 is amended to read as follows:

5-10-105. Negligent homicide.

(a)(1) A person commits negligent homicide if he or she negligently causes the death of another person, not constituting murder or manslaughter, as a result of operating a vehicle, an aircraft, or a watercraft:

(A) While intoxicated;

(B)(i) If at that time there is an alcohol concentration of eight hundredths (0.08) or more in the person's breath or blood based upon the definition of breath, blood, and urine concentration in § 5-65-204, as determined by a chemical test of the person's blood, urine, breath, or other bodily substance.

(ii) The method of chemical analysis of the person's blood, urine, or breath shall be made in accordance with §§ 5-65-204 and 5-65-206; ~~or~~

(C) While passing a stopped school bus in violation of § 27-51-1004~~+~~; or

(D) While fatigued.

(2) A person who violates subdivision (a)(1) of this section



upon conviction is guilty of a Class B felony.

(b)(1) A person commits negligent homicide if he or she negligently causes the death of another person.

(2) A person who violates subdivision (b)(1) of this section upon conviction is guilty of a Class A misdemeanor.

(c) As used in this section:

(1) "Fatigued" means:

(A) Having been without sleep for a period of twenty-four (24) consecutive hours; or

(B) Having been without sleep for a period of twenty-four (24) consecutive hours and in the state of being asleep; and

(2) ~~"intoxicated"~~ "Intoxicated" means influenced or affected by the ingestion of alcohol, a controlled substance, any intoxicant, or any combination of alcohol, a controlled substance, or an intoxicant to such a degree that the ~~driver's~~ operator's reactions, motor skills, and judgment are substantially altered and the ~~driver~~ operator therefore constitutes a clear and substantial danger of physical injury or death to himself or herself ~~and other motorists or pedestrians~~ or to another person.

/s/Rapert

**APPROVED: 04/16/2013**