

Stricken language would be deleted from and underlined language would be added to present law.
Act 1032 of the Regular Session

State of Arkansas
91st General Assembly
Regular Session, 2017

As Engrossed: H3/7/17
A Bill

HOUSE BILL 1668

By: Representative Lemons

By: Senator T. Garner

For An Act To Be Entitled

AN ACT CONCERNING THE OFFENSE OF DRIVING OR BOATING WHILE INTOXICATED; CONCERNING THE DISPOSITION OF A DEFENDANT CONVICTED OF DRIVING OR BOATING WHILE INTOXICATED; AND FOR OTHER PURPOSES.

Subtitle

CONCERNING THE OFFENSE OF DRIVING OR BOATING WHILE INTOXICATED; AND CONCERNING THE DISPOSITION OF A DEFENDANT CONVICTED OF DRIVING OR BOATING WHILE INTOXICATED.

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

SECTION 1. Arkansas Code § 5-65-111(d) through (f), concerning the sentencing range for a felony offense of driving or boating while intoxicated, is amended to read as follows:

(d)~~(1)~~ A person who pleads guilty or nolo contendere to or is found guilty of violating § 5-65-103 for a fourth offense occurring within five (5) years of the first offense is upon conviction guilty of an unclassified felony and may be imprisoned for not less than:

~~(A)~~(1) One (1) year but no more than six (6) years; or

~~(B)~~(2) Two (2) years but no more than six (6) years if a passenger under sixteen (16) years of age was in the motor vehicle or motorboat at the time of the offense.

~~(2) The court may order public service instead of imprisonment in the following manner, and if the court orders public service, the court~~



~~shall include the reasons for the order of public service instead of imprisonment in its written order or judgment;~~

~~(A) Not less than one (1) year but no more than six (6) years; or~~

~~(B) Not less than two (2) years but no more than six (6) years if a passenger under sixteen (16) years of age was in the motor vehicle or motorboat at the time of the offense.~~

(e)~~(1)~~ A person who pleads guilty or nolo contendere to or is found guilty of violating § 5-65-103 for a fifth or subsequent offense occurring within five (5) years of the first offense is upon conviction guilty of an unclassified felony and may be imprisoned for no fewer than:

~~(A)(1)~~ Two (2) years but no more than ten (10) years; or

~~(B)(2)~~ Three (3) years but no more than ten (10) years if a passenger under sixteen (16) years of age was in the motor vehicle or motorboat at the time of the offense.

~~(2) The court may order public service instead of imprisonment in the following manner, and if the court orders public service, the court shall include the reasons for the order of public service instead of imprisonment in its written order or judgment;~~

~~(A) Not less than two (2) years but no more than ten (10) years; or~~

~~(B) Not less than three (3) years but no more than ten (10) years if a passenger under sixteen (16) years of age was in the motor vehicle or motorboat at the time of the offense.~~

(f)~~(1)~~ A person who pleads guilty or nolo contendere to or is found guilty of violating § 5-65-103 for a sixth or subsequent offense occurring within ten (10) years of the first offense is upon conviction guilty of a Class B felony.

~~(2) The court may order public service instead of imprisonment in the following manner, and if the court orders public service, the court shall include the reasons for the order of public service instead of imprisonment in its written order or judgment;~~

~~(A) Not less than two (2) years but no more than ten (10) years; or~~

~~(B) Not less than three (3) years but no more than ten (10) years if a passenger under sixteen (16) years of age was in the motor~~

~~vehicle or motorboat at the time of the offense.~~

/s/Lemons

APPROVED: 04/06/2017