

Stricken language would be deleted from and underlined language would be added to present law.
Act 400 of the Regular Session

State of Arkansas
91st General Assembly
Regular Session, 2017

As Engrossed: H1/25/17 S2/16/17

A Bill

HOUSE BILL 1198

By: Representatives Lundstrum, Tosh, Beck, Bentley, Davis, Drown, Payton, Speaks, Sturch, Vaught, Jett, Lowery, Lynch, Maddox

By: Senator J. Hendren

For An Act To Be Entitled

AN ACT TO ALLOW AN OUT-OF-STATE LAW ENFORCEMENT OFFICER TO FOLLOW A VEHICLE INTO ARKANSAS TO INVESTIGATE AN OFFENSE INVOLVING A FELONY OR THE OPERATION OF A VEHICLE WHILE THE DRIVER IS INTOXICATED, IMPAIRED, OR UNDER THE INFLUENCE; AND FOR OTHER PURPOSES.

Subtitle

TO ALLOW AN OUT-OF-STATE LAW ENFORCEMENT OFFICER TO FOLLOW A VEHICLE INTO ARKANSAS TO INVESTIGATE A FELONY OR THE OPERATION OF A VEHICLE WHILE THE DRIVER IS INTOXICATED, IMPAIRED, OR UNDER THE INFLUENCE.

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

SECTION 1. Arkansas Code § 16-81-403(1), concerning the definition of "fresh pursuit" under the Uniform Act on Interstate Fresh Pursuit, is amended to read as follows:

(1) "Fresh pursuit" shall include fresh pursuit as defined by the common law, and also the pursuit of a person who has committed a felony or an offense of driving or operating a vehicle while intoxicated, impaired, or under the influence or who is reasonably suspected of having committed a felony or an offense of driving or operating a vehicle while intoxicated,



impaired, or under the influence. It shall also include the pursuit of a person suspected of having committed a supposed felony or an offense of driving or operating a vehicle while intoxicated, impaired, or under the influence, though no felony nor an offense of driving or operating a vehicle while intoxicated, impaired, or under the influence has actually been committed, if there is reasonable ground for believing that a felony or an offense of driving or operating a vehicle while intoxicated, impaired, or under the influence has been committed. Fresh pursuit as used in this subchapter shall not necessarily imply instant pursuit, but pursuit without unreasonable delay;

SECTION 2. Arkansas Code § 16-81-404 is amended to read as follows:

16-81-404. Member of duly organized peace unit of other state – Authority to arrest and hold.

Any member of a duly organized state, county, or municipal peace unit of another state of the United States who enters this state in fresh pursuit, and continues within this state in such fresh pursuit, of a person in order *to arrest him on the ground that he is believed to have committed a felony or an offense of driving or operating a vehicle while intoxicated, impaired, or under the influence* in such other state shall have the same authority to arrest and hold such person in custody as has any member of any duly organized state, county, or municipal peace unit of this state to arrest and hold in custody a person on the ground that he is *believed to have committed a felony or an offense of driving or operating a vehicle while intoxicated, impaired, or under the influence* in this state.

/s/Lundstrum

APPROVED: 03/07/2017