

State of Arkansas
92nd General Assembly
Regular Session, 2019

A Bill

HOUSE BILL 1367

By: Representative Capp

For An Act To Be Entitled

AN ACT CONCERNING THE SENTENCING PROCEDURE FOR A
PERSON CONVICTED OF DRIVING OR BOATING WHILE
INTOXICATED; AND FOR OTHER PURPOSES.

Subtitle

CONCERNING THE SENTENCING PROCEDURE FOR A
PERSON CONVICTED OF DRIVING OR BOATING
WHILE INTOXICATED.

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

SECTION 1. Arkansas Code § 5-65-109 is amended to read as follows:
5-65-109. Presentencing report.

(a) The court shall immediately request and the Division of Aging, Adult, and Behavioral Health Services of the Department of Human Services or its designee shall provide a presentence screening and assessment report of the defendant who pleads guilty or nolo contendere or is found guilty of violating § 5-65-103 or § 5-65-303.

(b)(1) The presentence screening and assessment report shall be provided within thirty (30) days of the request, ~~and the court shall not pronounce sentence until the court receives the presentence screening and assessment report.~~

(2)(A) If the defendant's sentencing is delayed by the defendant after he or she pleads guilty or nolo contendere, or if he or she is found guilty, the clerk of the court shall notify the defendant by first-class mail sent to the defendant's last known address that he or she has fifteen (15) days to appear and show cause for failing to appear for sentencing.



(B) The court may proceed with sentencing even in the absence of the defendant after the expiration of the fifteen (15) days under subdivision (b)(2)(A) of this section.

(c) The presentence screening and assessment report shall include without limitation:

- (1) The defendant's driving record;
- (2) An alcohol problem assessment; and
- (3) A victim impact statement, if applicable.

APPROVED: 3/6/19