

Stricken language would be deleted from and underlined language would be added to present law.

State of Arkansas *As Engrossed: H3/17/15 H3/20/15 H3/23/15 S3/30/15 S4/1/15*

90th General Assembly

A Bill

Regular Session, 2015

HOUSE BILL 1645

By: Representative Bentley

By: Senator G. Stubblefield

For An Act To Be Entitled

AN ACT TO AUTHORIZE THE ISSUANCE OF A RESTRICTED DRIVING PERMIT UPON SUSPENSION OF THE DRIVER'S LICENSE OF A SPECIALTY COURT PROGRAM PARTICIPANT; AND FOR OTHER PURPOSES.

Subtitle

TO AUTHORIZE THE ISSUANCE OF A RESTRICTED DRIVING PERMIT UPON SUSPENSION OF THE DRIVER'S LICENSE OF A SPECIALTY COURT PROGRAM PARTICIPANT.

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

SECTION 1. Arkansas Code § 27-16-915(a) and (b), concerning the authority of a court to suspend driving privileges upon conviction for a drug offense, are amended to read as follows:

(a) As used in this section, ~~the term "drug offense" shall have the same meaning ascribed to that term as provided in § 5-64-710;~~

(1) "Drug offense" has the meaning as provided in § 5-64-710;

(2) "Specialty court" means one (1) of the following:

(A) A pre-adjudication program under § 5-4-901 et seq.;

(B) An approved drug court program under the Arkansas Drug Court Act, § 16-98-301 et seq.;

(C) A probation program under the Swift and Certain Accountability on Probation Pilot Program under § 16-93-1701 et seq.; or

(D) A specialty court program that has been approved by



the Supreme Court, including without limitation a specialty court program known as:

- (i) A DWI court;
- (ii) A mental health court;
- (iii) A veteran's court;
- (iv) A juvenile drug court;
- (v) A "HOPE" court; or
- (vi) A "smarter sentencing" court.

(b)(1)(A) ~~Whenever~~ When a person is accepted and enrolled in a court-approved pre-adjudication specialty court program for an offense involving the illegal possession or use of a controlled substance, pleads guilty, or nolo contendere, or is found guilty of any criminal offense involving the illegal possession or use of controlled substances under the Uniform Controlled Substances Act, § 5-64-101 et seq., or of any drug offense, in this state or any other state, the court having jurisdiction of the matter, including any federal court, shall prepare and transmit to the Department of Finance and Administration an order to suspend the driving privileges of the person for six (6) months, provided ~~any such~~ the order regarding a person who is a holder of a commercial driver's license issued under the Arkansas Uniform Commercial Driver License Act, § 27-23-101 et seq., or under the laws of ~~any other~~ another state shall include the suspension of the driving privileges of that person to drive ~~any~~ a commercial motor vehicle, as the term "commercial motor vehicle" is defined in § 27-23-103, or as similarly defined by the laws of any other state, for a period of one (1) year.

(B) Courts within the State of Arkansas shall prepare and transmit ~~all such orders to the department an order~~ an order within twenty-four (24) hours after the ~~plea or finding to the department.~~

- (i) Plea of guilty or nolo contendere;
- (ii) Finding of guilt; or
- (iii) Acceptance and enrollment in a specialty

court.

(C) Courts outside Arkansas having jurisdiction over ~~any such~~ a person holding driving privileges issued by the State of Arkansas shall prepare and transmit ~~such orders~~ an order pursuant to ~~agreements or arrangements~~ an agreement or arrangement entered into between that state and the Director of the Department of Finance and Administration.

~~(D) Such arrangements or agreements~~ The agreement or arrangement may also provide for the forwarding by the department of orders an order issued by courts a court within this state to the state wherein any such where the person holds driving privileges issued by that state.

~~(2)(A) For any such person holding driving privileges issued by the State of Arkansas, courts within the State of Arkansas in cases of extreme and unusual hardship may provide in an order for the issuance of a restricted driving permit to allow driving to and from a place of employment or to and from any scheduled sessions or meetings of support organizations, counseling, education, or treatment for persons who have addiction or abuse problems related to any substance or controlled substances. For a person holding driving privileges issued by the State of Arkansas, a court within the State of Arkansas may provide in an order for the issuance of a restricted driving permit to allow driving to and from:~~

(i) A mandatory court appearance;

(ii) A mandatory random drug-testing appearance;

(iii) A place of employment or as required in the scope of employment;

(iv) A scheduled session or meeting of a support or counseling organization;

(v) An educational institution for the purpose of attending a class if the person is enrolled in a course of study or program of training at the educational institution;

(vi) A treatment program for persons who have addiction or abuse problems related to a substance or controlled substances;

(vii) A doctor, hospital, or clinic appointment or admission for medical treatment or care for an illness, disease, or other medical condition of the person or a family member; or

(viii) Enrollment, compliance, and participation in a specialty court program if the person is accepted into a specialty court program.

(B)(i) Courts within the State of Arkansas shall prepare and transmit to the department an order for a restricted driving permit issued under this section within three (3) business days after the entry of the order.

(ii) The department shall transmit to the Arkansas

Crime Information Center an order for a restricted driving permit within three (3) business days after receipt of the order from the court.

(C) The court shall not issue a restricted driving permit under subdivision (b)(2)(A) of this section if the person's driving privileges are subject to:

(i) A revocation in the State of Arkansas or another State;

(ii) A suspension wherein a court has prohibited the issuance of a restricted driving permit;

(iii) A suspension for an offense committed outside of the State of Arkansas where the person is restricted to the use of an ignition interlock device; or

(iv) A suspension under:

(a) Section 5-65-104;

(b) Section 5-65-205;

(c) Section 5-65-304;

(d) Section 5-65-310;

(e) Section 9-14-239;

(f) Section 27-16-905;

(g) Section 27-16-907(b)(4) - (6);

(h) Section 27-16-908;

(i) Section 27-16-909;

(j) Section 27-19-610;

(k) Section 27-19-707, unless the judgment creditor has furnished written consent to allow a restricted driving permit;
or

(l) The Arkansas Uniform Commercial Driver License Act, 27-23-103 et seq.

(D) The court shall not issue a restricted permit to operate a commercial motor vehicle.

/s/Bentley