

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

State of Arkansas
91st General Assembly
Regular Session, 2017

A Bill

SENATE BILL 145

By: Senator Bond
By: Representative Tucker

For An Act To Be Entitled

AN ACT TO AMEND THE LAW CONCERNING THE ELEMENTS AND
PENALTIES OF NEGLIGENT HOMICIDE; AND FOR OTHER
PURPOSES.

Subtitle

TO AMEND THE LAW CONCERNING THE ELEMENTS
AND PENALTIES OF NEGLIGENT HOMICIDE.

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

SECTION 1. Arkansas Code § 5-10-105(a)(1), concerning the elements of negligent homicide, is amended to read as follows:

(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 alcohol concentration in § 5-65-204, as determined by a chemical test of the person's blood, urine, breath, saliva, or other bodily substance.

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

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



- (D) While fatigued~~;~~ or
- (E) While engaging in wireless interactive communication.

SECTION 2. Arkansas Code § 5-10-105(c), concerning the definitions for the offense of negligent homicide, is amended to read as follows:

(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” 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 operator’s reactions, motor skills, and judgment are substantially altered and the operator therefore constitutes a clear and substantial danger of physical injury or death to himself or herself or to another person~~;~~

(3) “Wireless interactive communication” means typing, text messaging, emailing, or accessing information on the Internet with a handheld wireless telephone; and

(4)(A) “Handheld wireless telephone” means a wireless interactive communication device with which a user engages in wireless interactive communication using at least one (1) hand.

(B) “Handheld wireless telephone” does not include a:

(i) Hands-free wireless telephone or device;

(ii) Citizens band radio;

(iii) Citizens band radio hybrid; or

(iv) Global positioning or navigation device or system.

SECTION 3. Arkansas Code § 5-10-105, concerning the penalties of negligent homicide, is amended to add an additional subsection to read as follows:

(d)(1) A court shall prepare and transmit to the Department of Finance and Administration an order of denial of driving privileges for a person within twenty-four (24) hours after the plea or finding, if the person:

(A) Pleads guilty or nolo contendere to negligent homicide under subdivision (a)(1)(E) of this section; or

(B) Is found by the court to have committed negligent homicide under subdivision (a)(1)(E) of this section.

(2) In a case of extreme and unusual hardship, the order under subdivision (d)(1) of this section may provide for the issuance of a restricted driving permit to allow driving to and from a place of employment or driving to and from school.

(3) Upon receipt of an order under subdivision (d)(1) of this section, the department shall suspend the person's motor vehicle operator license for twelve (12) months.

(4) The penalty prescribed in this subsection is in addition to any other penalty prescribed by law for negligent homicide under subdivision (a)(1)(E) of this section.