

State of Arkansas
93rd General Assembly
Regular Session, 2021

A Bill

SENATE BILL 685

By: Senator L. Eads

For An Act To Be Entitled

AN ACT CONCERNING THE SEALING OF A MISDEMEANOR
OFFENSE OF DRIVING OR BOATING WHILE INTOXICATED; AND
FOR OTHER PURPOSES.

Subtitle

CONCERNING THE SEALING OF A MISDEMEANOR
OFFENSE OF DRIVING OR BOATING WHILE
INTOXICATED.

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

SECTION 1. Arkansas Code § 16-90-1405(b), concerning eligibility to file a uniform petition to seal a misdemeanor offense or violation, is amended to read as follows:

(b) There is not a limit to the number of times a person may file a uniform petition to seal his or her record of a misdemeanor or violation, except that the person may not file:

(1) A new uniform petition to seal one (1) of the following criminal offenses until after a period of five (5) years has elapsed since the completion of the person's sentence for the conviction:

(A) Negligent homicide, § 5-10-105, if it was a Class A misdemeanor;

(B) Battery in the third degree, § 5-13-203;

(C) Indecent exposure, § 5-14-112;

(D) Public sexual indecency, § 5-14-111;

(E) Sexual assault in the fourth degree, § 5-14-127; or

(F) Domestic battering in the third degree, § 5-26-305; ~~or~~



~~(C) A misdemeanor violation of § 5-65-103;~~

(2) A new uniform petition to seal a misdemeanor violation of driving or boating while intoxicated, § 5-65-103, until after the applicable lookback periods under § 5-65-111 have elapsed;

~~(2)(3)~~ A new uniform petition to seal a criminal offense listed in subdivisions (b)(1)(A)-~~(G)~~(F) or (b)(2) of this section before one (1) year from the date of the order denying the previous uniform petition;

~~(3)(4)~~ A new uniform petition to seal a misdemeanor or violation before ninety (90) days from the date of an order denying a uniform petition to seal the misdemeanor or violation;

~~(4)(5)~~ A new uniform petition to seal a misdemeanor or violation under this section if an appeal of a previous denial of a uniform petition to seal a misdemeanor or violation for the same misdemeanor or violation is still pending; or

~~(5)(6)~~ A new uniform petition to seal a misdemeanor or violation under this section if:

(A) The person was a holder of a commercial driver license or commercial learner's permit at the time the misdemeanor or violation was committed; and

(B) The misdemeanor or violation was a traffic offense, other than a parking violation, vehicle weight violation, or vehicle defect violation, committed in any type of motor vehicle.