

State of Arkansas
94th General Assembly
Regular Session, 2023

A Bill

HOUSE BILL 1352

By: Representative Dalby

By: Senator Hickey

For An Act To Be Entitled

AN ACT TO AMEND THE LAW CONCERNING THE SEALING OF A RECORD OF A FELONY CONVICTION OF DRIVING OR BOATING WHILE INTOXICATED; AND FOR OTHER PURPOSES.

Subtitle

TO AMEND THE LAW CONCERNING THE SEALING OF A RECORD OF A FELONY CONVICTION OF DRIVING OR BOATING WHILE INTOXICATED.

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

SECTION 1. Arkansas Code § 16-90-1406(a), concerning felony convictions eligible for sealing, is amended to read as follows:

(a) Unless prohibited under § 16-90-1408 and regardless of when the felony occurred, a person may petition a court to seal a record of a conviction immediately after the completion of the person's sentence for:

(1) A nonviolent Class C felony or nonviolent Class D felony;

(2)(A) Except as provided in subdivision (a)(2)(B) of this section, an unclassified felony.

(B) A person shall not file a new uniform petition to seal a record of a conviction for a felony offense of driving or boating while intoxicated, § 5-65-103, until after the applicable lookback periods under § 5-65-111 have elapsed;

(3) An offense under the Uniform Controlled Substances Act, § 5-64-101 et seq., that is a Class A felony or Class B felony;

(4) Solicitation to commit, attempt to commit, or conspiracy to



commit the substantive offenses listed in subdivisions (a)(1)-(3) of this section; or

(5) A felony not involving violence committed while the person was less than eighteen (18) years of age.

SECTION 2. Arkansas Code § 16-90-1413(a)(2), concerning the procedure for sealing of records, is amended to read as follows:

(2) Except as provided in §§ 16-90-1405 and § 16-90-1406, if a person has previously petitioned the court for the sealing of a record and that petition was subsequently denied, the person may not file a uniform petition under this subchapter regarding that record until one (1) year has passed since the denial of the previous petition.