

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

State of Arkansas  
95th General Assembly  
Regular Session, 2025

# A Bill

HOUSE BILL 1948

By: Representative Joey Carr

By: Senator D. Wallace

## For An Act To Be Entitled

AN ACT CONCERNING THE OFFENSE OF NEGLIGENT HOMICIDE AS A RESULT OF OPERATING A VEHICLE, AN AIRCRAFT, OR A WATERCRAFT; TO AMEND THE CONDITIONS UNDER WHICH THE OFFENSE OF NEGLIGENT HOMICIDE IS COMMITTED; TO REPEAL THE ABILITY OF A PROSECUTING ATTORNEY OR DEFENDANT TO SUBPOENA CERTAIN INDIVIDUALS BEFORE A HEARING OR TRIAL; AND FOR OTHER PURPOSES.

## Subtitle

TO AMEND THE CONDITIONS UNDER WHICH THE OFFENSE OF NEGLIGENT HOMICIDE IS COMMITTED; AND TO REPEAL THE ABILITY OF A PROSECUTING ATTORNEY OR DEFENDANT TO SUBPOENA CERTAIN INDIVIDUALS BEFORE A HEARING OR TRIAL.

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

SECTION 1. Arkansas Code § 5-10-105(a)(1), concerning the offense of negligent homicide as a result of operating a vehicle, an aircraft, or a watercraft, 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



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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 if the person is operating a vehicle; ~~or~~

(D) While fatigued; or

(E)(i) While there is any amount of a controlled substance present in the person, as determined by a chemical test of the person's blood, urine, breath, saliva, or other bodily substance and the person was operating a vehicle.

(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 § 5-65-208.

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

(3) "Controlled substance" means:

(A) Fentanyl;

(B) Methamphetamine;

(C) Heroin; or

(D) Cocaine.

SECTION 3. Arkansas Code § 5-65-206(d)(3), concerning compelling the testimony of certain persons by subpoena, is amended to read as follows.

~~(3)(A)~~ A person charged with violating § 5-65-103 has the right to cross-examine or call as a witness:

~~(i)(A)~~ The person who calibrates the instrument conducting a chemical analysis of the person's bodily substances;

~~(ii)(B)~~ The operator of the instrument conducting a chemical analysis of the person's bodily substances; or

~~(iii)(C)~~ A representative of the office.

~~(B)(i) The prosecuting attorney or the defendant may~~

~~compel the testimony of a person listed in subdivision (d)(3)(A) of this section by a subpoena issued to that person at least ten (10) days before the date of the hearing or trial.~~

~~(ii) The person whose testimony is compelled shall have with him or her the record or report at issue, and the record or report is admissible at the hearing or trial.~~