

1 State of Arkansas
2 91st General Assembly
3 Regular Session, 2017
4

A Bill

SENATE BILL 145

5 By: Senator Bond
6 By: Representative Tucker
7

For An Act To Be Entitled

9 AN ACT TO AMEND THE LAW CONCERNING THE ELEMENTS AND
10 PENALTIES OF NEGLIGENT HOMICIDE; AND FOR OTHER
11 PURPOSES.
12
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Subtitle

14 TO AMEND THE LAW CONCERNING THE ELEMENTS
15 AND PENALTIES OF NEGLIGENT HOMICIDE.
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19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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21 SECTION 1. Arkansas Code § 5-10-105(a)(1), concerning the elements of
22 negligent homicide, is amended to read as follows:

23 (a)(1) A person commits negligent homicide if he or she negligently
24 causes the death of another person, not constituting murder or manslaughter,
25 as a result of operating a vehicle, an aircraft, or a watercraft:

26 (A) While intoxicated;

27 (B)(i) If at that time there is an alcohol concentration
28 of eight hundredths (0.08) or more in the person's breath or blood based upon
29 the definition of alcohol concentration in § 5-65-204, as determined by a
30 chemical test of the person's blood, urine, breath, saliva, or other bodily
31 substance.

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

35 (C) While passing a stopped school bus in violation of §
36 27-51-1004; ~~or~~



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

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4 SECTION 2. Arkansas Code § 5-10-105(c), concerning the definitions for

5 the offense of negligent homicide, is amended to read as follows:

6 (c) As used in this section:

7 (1) "Fatigued" means:

8 (A) Having been without sleep for a period of twenty-four

9 (24) consecutive hours; or

10 (B) Having been without sleep for a period of twenty-four

11 (24) consecutive hours and in the state of being asleep; ~~and~~

12 (2) "Intoxicated" means influenced or affected by the ingestion

13 of alcohol, a controlled substance, any intoxicant, or any combination of

14 alcohol, a controlled substance, or an intoxicant to such a degree that the

15 operator's reactions, motor skills, and judgment are substantially altered

16 and the operator therefore constitutes a clear and substantial danger of

17 physical injury or death to himself or herself or to another person~~;~~

18 (3) "Wireless interactive communication" means typing, text

19 messaging, emailing, or accessing information on the Internet with a handheld

20 wireless telephone; and

21 (4)(A) "Handheld wireless telephone" means a wireless interactive

22 communication device with which a user engages in wireless interactive

23 communication using at least one (1) hand.

24 (B) "Handheld wireless telephone" does not include a:

- 25 (i) Hands-free wireless telephone or device;
- 26 (ii) Citizens band radio;
- 27 (iii) Citizens band radio hybrid; or
- 28 (iv) Global positioning or navigation device or

29 system.

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31 SECTION 3. Arkansas Code § 5-10-105, concerning the penalties of

32 negligent homicide, is amended to add an additional subsection to read as

33 follows:

34 (d)(1) A court shall prepare and transmit to the Department of Finance

35 and Administration an order of denial of driving privileges for a person

36 within twenty-four (24) hours after the plea or finding, if the person:

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

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

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

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

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

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