

1 State of Arkansas  
2 92nd General Assembly  
3 Regular Session, 2019

# A Bill

HOUSE BILL 1367

4  
5 By: Representative Capp

## For An Act To Be Entitled

8 AN ACT CONCERNING THE SENTENCING PROCEDURE FOR A  
9 PERSON CONVICTED OF DRIVING OR BOATING WHILE  
10 INTOXICATED; AND FOR OTHER PURPOSES.

## Subtitle

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13 CONCERNING THE SENTENCING PROCEDURE FOR A  
14 PERSON CONVICTED OF DRIVING OR BOATING  
15 WHILE INTOXICATED.  
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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 § 5-65-109 is amended to read as follows:  
22 5-65-109. Presentencing report.

23 (a) The court shall immediately request and the Division of Aging,  
24 Adult, and Behavioral Health Services of the Department of Human Services or  
25 its designee shall provide a presentence screening and assessment report of  
26 the defendant who pleads guilty or nolo contendere or is found guilty of  
27 violating § 5-65-103 or § 5-65-303.

28 (b)(1) The presentence screening and assessment report shall be  
29 provided within thirty (30) days of the request, ~~and the court shall not~~  
30 ~~pronounce sentence until the court receives the presentence screening and~~  
31 ~~assessment report.~~

32 (2)(A) If the defendant's sentencing is delayed by the defendant  
33 after he or she pleads guilty or nolo contendere, or if he or she is found  
34 guilty, the clerk of the court shall notify the defendant by first-class mail  
35 sent to the defendant's last known address that he or she has fifteen (15)  
36 days to appear and show cause for failing to appear for sentencing.



1 (B) The court may proceed with sentencing even in the  
2 absence of the defendant after the expiration of the fifteen (15) days under  
3 subdivision (b)(2)(A) of this section.

4 (c) The presentence screening and assessment report shall include  
5 without limitation:

- 6 (1) The defendant's driving record;
- 7 (2) An alcohol problem assessment; and
- 8 (3) A victim impact statement, if applicable.

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11 **APPROVED: 3/6/19**  
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