



State:

Arkansas

Statute/Law:

§ 5-65-103 – Unlawful Acts:

(a) It is unlawful and punishable as provided in this act for any person who is intoxicated to operate or be in actual physical control of a motor vehicle.

(b) It is unlawful and punishable as provided in this act for any person to operate or be in actual physical control of a motor vehicle if at that time the alcohol concentration in the person's breath or blood was eight-hundredths (0.08) or more based upon the definition of breath, blood, and urine concentration in 5-65-204.

Per Se Law?:

No

Statute/Law Language:

(2) "Intoxicated" means influenced or affected by the ingestion of ... a controlled substance, any intoxicant, or any combination thereof, to such a degree that the driver's reactions, motor skills, and judgment are substantially altered and the driver, therefore, constitutes a clear and substantial danger of physical injury or death to himself and other motorists or pedestrians.

(1) (A) "Controlled substance" means any drug, substance, or immediate precursor in Schedules I through VI.

(B) The fact that any person charged with a violation of this act is or has been entitled to the use of that drug or controlled substance under the laws of this state does not constitute a defense against any charge of violating this act.

Penalties Following Conviction:

For the first offense, 24 hours (mandatory) - 1 year imprisonment, \$150 (mandatory) fine; for second offense within 5 years - 7 days (mandatory) - 1 year imprisonment, \$400 (mandatory) - \$3000 fine; for third offense within 5 years - 990 days (mandatory) - 1 year, \$900 (mandatory) - \$5000 fine; for fourth or subsequent offenses within 5 years - 1 year (mandatory) - 6 years imprisonment, \$900 (mandatory) - \$5000 fine.





Discretionary Court-Ordered Penalties:

In lieu of jail the court may order community service for 1st offense; mandatory 30 days community service for 2nd offense within 5 years; mandatory 90 days community service for 3rd within 5 years; 1 year mandatory community service for 4th or subsequent offense within 5 years.

For more information:

<http://www.lexisnexis.com/hottopics/arcodes/Default.asp> (search for 5-65-103)

Current as of August 2016