



The National Hardcore Drunk Driver Project

ARKANSAS STATE PROFILE



KEY HARDCORE DRUNK DRIVING LEGISLATION:

- Administrative License Revocation – Yes
- High BAC Law (0.15 BAC or greater) – Yes
- Enhanced Penalties for Repeat offenders – Yes
- 10 Year Look Back Period for Repeat Offenders – Yes
- More severe penalties for BAC test refusal than for test failure – No
- DWI Courts – No; Adult (Hybrid DWI/Drug) 0; Designated DWI 0
- Vehicles sanctions – Yes

UNDERAGE VIOLATIONS:

- Graduated licensing – Yes
 - No Required Supervised Driving Hours
 - No Special Cell Phone Restrictions
- Zero Tolerance (i.e., .02 BAC or greater) – Yes - BAC limit: 0.02%
- Furnishing – Yes
 - parent/guardian, legal-age spouse, specified religious, educational, or medical purposes are exceptions

IGNITION INTERLOCK LAW REQUIREMENTS:

- Yes – Permissible for 1st conviction. Required for 3rd or subs conviction



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DEFINITIONS: Hardcore drunk drivers can be defined as those who drive with a high blood alcohol concentration of .15 or above, who do so repeatedly, as demonstrated by having more than one drunk driving arrest, and who are highly resistant to changing their behavior despite previous sanctions, treatment or education.

Terms used in Arkansas that could identify hardcore drunk drivers are:

- Multiple offender — 2nd offense within 5 years and subsequent offenses.
- Felony DWI — 4th and subsequent offenses.

Arkansas has enhanced penalties for DWI convictions with a BAC level of .15 or greater.

DWI RECORDKEEPING & REPORTING: Driving records are a primary means of tracking the problem of hardcore drunk drivers.

The following are key aspects of Arkansas' records:

- New licensees are reviewed for prior DWI offenses in their previous states prior to license issuance.
- DWI convictions from other states are considered prior offenses in Arkansas.
- Arkansas utilizes a statewide DWI reporting system.
- Offenders are tracked through arrest and conviction.
- There are approximately 1.9 million licensed drivers in Arkansas.
- The average BAC level of arrested offenders is .13, and the average BAC level of convicted offenders is not available.
- There were 23,209 drivers arrested for DWI in 2001. Of those, 6,591 were arrested for driving at BAC levels above .15 and 4,890 were arrested as repeat drunk drivers. There were 4,838 drivers who refused to take a BAC test. Of those refusals, 100% resulted in license suspension.
- There were 18,030 drivers convicted of DWI in 2001. Of those, 3,239 were repeat offenders. No data is available regarding high BAC offenders.
- There were 17,424 people arrested for driving with a suspended license in 2001.

SWIFT IDENTIFICATION: The quick detection, identification, and assessment of those who repeatedly drive drunk are essential to keeping the hardcore drunk driver off the road.

In Arkansas:

- Enforcement techniques used to detect and apprehend drunk drivers include: sobriety checkpoints, blanket patrols, publicized enforcement campaigns, standardized field sobriety testing, preliminary breath tests, mobile videotaping, and selective traffic enforcement projects statewide.
- BAC test refusal carries an administrative penalty with mandatory license suspension periods of 180 days for a 1st offense, 2 years for a 2nd offense within 5 years, 3 years for a 3rd offense within 5 years, and lifetime for a 4th and subsequent offenses.



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- For a 1st offense, in extreme hardship situations, the suspension may be reduced to 90 days followed by 90 days of restricted driving privileges with the use of ignition interlock devices. The penalty for BAC test refusal is less than the penalty for a drunk driving conviction.
- When a person refuses to submit to a chemical test, that fact is admissible as evidence in court.
- Hardcore drunk drivers are identified at the time of arrest or at sentencing.
- Diversion programs are not used.
- When drunk driving offenses are plea-bargained to non-alcohol related offenses, it makes it difficult to identify hardcore drunk driving offenders. There is no anti-plea bargaining statute.
- Alcohol assessment is conducted post-trial but pre-sentencing. *See Effective Treatment section.*

CERTAIN PUNISHMENT: The application of swift and certain penalties that restrict the offender from driving, punish the offense and rehabilitate the offender must be imposed consistently to change hardcore behavior.

The following sanctions may be ordered by the court or by the licensing authority:

- Licensing actions:
 - Suspension/Revocation — Arkansas has pre-conviction administrative licensing actions. The mandatory suspension periods are 120 days for a 1st offense, 24 months for a 2nd offense within 5 years, 30 months for a 3rd offense within 5 years, and 4 years for a 4th or subsequent offense.
 - Conditional licensing — For extreme hardship, a 1st offender is eligible for a restricted license, however 2nd or 3rd offenders may obtain a restricted license after 1 year with the use of ignition interlocks.
- Vehicle actions:
 - Motor vehicle registration suspension — People who have their licenses suspended or revoked for any drunk driving offense must have the registration of all vehicles owned by them suspended for the same period of time as the licensing action or for one year, whichever is longer.

In the state of Arkansas, the following sanctions may only be ordered by the court:

- Fines — Mandatory minimums:
 - 1st offense = \$150.
 - 2nd offense within 3 years = \$400.
 - 3rd or subsequent offenses within 3 years = \$900.
- Incarceration — Mandatory minimums:
 - 1st offense = 24 hours.
 - 2nd offense within 5 years = 7 days.
 - 3rd offense within 5 years = 90 days.
 - 4th or subsequent offenses within 5 years = 1 year.
- Enhanced sanctions for convicted offenders with a BAC level of .15 or above — 1st offenders will receive a license suspension period of 180 days instead of 120 days. The 180 day suspension can be reduced to a 30 day suspension followed by restricted driving privileges for 150 days and the installation of an ignition interlock.



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- Community service — May serve in lieu of imprisonment:
 - 1st offense = length of time not specified by law.
 - 2nd offense within 5 years = 30 days.
 - 3rd offense within 5 years = 90 days.
 - 4th offense within 5 years = 1 year.
 - 5th or subsequent offenses within 5 years = 2 years.
- Vehicle Actions:
 - Vehicle forfeiture possible on 4th or subsequent offenses within 3 years.
- Treatment — According to alcohol assessment. The offender must pay cost.
- Other special assessments/surcharges — Victim's restitution fund, \$25–\$10,000 to the State's Crime Victims Reparations Revolving Fund, and additional costs of \$250.
- Driving while suspended — The penalties for driving on a suspended license as a result of a DWI conviction include incarceration, license plate impoundment and a possible fine of \$500–\$1,000.

In Arkansas, previous arrest and conviction records are available at the time of sentencing.

EFFECTIVE TREATMENT: Treatment and rehabilitation programs that change hardcore drunk driver behavior and lifestyles play an important role in reducing recidivism.

In Arkansas:

- Following conviction, all offenders receive a mandatory alcohol assessment/evaluation to determine the nature and extent of their alcohol problems. The offender pays for the assessment.
- The assessment is conducted post-trial but pre-sentencing. The court takes the results of the assessment into consideration in final sentencing.
- Assessments are conducted by a state approved private agency.
- Treatment for all offenders is mandatory in addition to other sanctions. All offenders are required to attend alcohol education or treatment as recommended by the assessment.
- Offenders failing to comply with the terms of their program are not eligible for license reinstatement.
- Arkansas does not have dedicated detention and treatment facilities that target the hardcore drunk driver.

INNOVATIVE TACTICS:

Earmarked Funding: 14% of license reinstatement fees are credited to the Department of Health, Public Health Fund, Office of Alcohol Testing.

Statewide Court Automation System: Arkansas has funded a new project titled the Arkansas Court Automation Project (ACAP), which has an ultimate goal of connecting all the Circuit and District Courts to a statewide automated court system.



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Among other things, it will track DWI cases from the time of arrest, through conviction, sentencing, and disposition. ACAP will track all related information about each case, including crash data, BAC data, refusal data, fines, court costs and other sanctions imposed.

Statewide Passive Alcohol Sensor: Arkansas has received supplemental grants to implement a statewide passive alcohol sensor program to be used by State Police at all sobriety checkpoints and will also be installing digital camera systems in all of their State Police patrol cars.