

1 State of Arkansas *As Engrossed: H1/25/17 S2/16/17*

2 91st General Assembly

A Bill

3 Regular Session, 2017

HOUSE BILL 1198

4

5 By: Representatives Lundstrum, *Tosh, Beck, Bentley, Davis, Drown, Payton, Speaks, Sturch, Vaught, Jett,*
6 *Lowery, Lynch, Maddox*

7 By: Senator J. Hendren

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For An Act To Be Entitled

10 AN ACT TO ALLOW AN OUT-OF-STATE LAW ENFORCEMENT
11 OFFICER TO FOLLOW A VEHICLE INTO ARKANSAS TO
12 *INVESTIGATE AN OFFENSE INVOLVING A FELONY OR THE*
13 *OPERATION OF A VEHICLE WHILE THE DRIVER IS*
14 *INTOXICATED, IMPAIRED, OR UNDER THE INFLUENCE; AND*
15 *FOR OTHER PURPOSES.*

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Subtitle

19 *TO ALLOW AN OUT-OF-STATE LAW ENFORCEMENT*
20 *OFFICER TO FOLLOW A VEHICLE INTO ARKANSAS*
21 *TO INVESTIGATE A FELONY OR THE OPERATION*
22 *OF A VEHICLE WHILE THE DRIVER IS*
23 *INTOXICATED, IMPAIRED, OR UNDER THE*
24 *INFLUENCE.*

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

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29 SECTION 1. Arkansas Code § 16-81-403(1), concerning the definition of
30 "fresh pursuit" under the Uniform Act on Interstate Fresh Pursuit, is amended
31 to read as follows:

32 (1) "Fresh pursuit" shall include fresh pursuit as defined by the
33 *common law, and also the pursuit of a person who has committed a felony or an*
34 *offense of driving or operating a vehicle while intoxicated, impaired, or*
35 *under the influence or who is reasonably suspected of having committed a*
36 *felony or an offense of driving or operating a vehicle while intoxicated,*



1 impaired, or under the influence. It shall also include the pursuit of a
2 person suspected of having committed a supposed felony or an offense of
3 driving or operating a vehicle while intoxicated, impaired, or under the
4 influence, though no felony nor an offense of driving or operating a vehicle
5 while intoxicated, impaired, or under the influence has actually been
6 committed, if there is reasonable ground for believing that a felony or an
7 offense of driving or operating a vehicle while intoxicated, impaired, or
8 under the influence has been committed. Fresh pursuit as used in this
9 subchapter shall not necessarily imply instant pursuit, but pursuit without
10 unreasonable delay;

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12 SECTION 2. Arkansas Code § 16-81-404 is amended to read as follows:

13 16-81-404. Member of duly organized peace unit of other state –
14 Authority to arrest and hold.

15 Any member of a duly organized state, county, or municipal peace unit
16 of another state of the United States who enters this state in fresh pursuit,
17 and continues within this state in such fresh pursuit, of a person in order
18 to arrest him on the ground that he is believed to have committed a felony or
19 an offense of driving or operating a vehicle while intoxicated, impaired, or
20 under the influence in such other state shall have the same authority to
21 arrest and hold such person in custody as has any member of any duly
22 organized state, county, or municipal peace unit of this state to arrest and
23 hold in custody a person on the ground that he is *believed to have committed*
24 *a felony or an offense of driving or operating a vehicle while intoxicated,*
25 *impaired, or under the influence* in this state.

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27 /s/Lundstrum

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30 **APPROVED: 03/07/2017**