

1 State of Arkansas
2 95th General Assembly
3 Regular Session, 2025
4

A Bill

HOUSE BILL 1948

5 By: Representative Joey Carr
6 By: Senator D. Wallace
7

For An Act To Be Entitled

8
9 AN ACT CONCERNING THE OFFENSE OF NEGLIGENT HOMICIDE
10 AS A RESULT OF OPERATING A VEHICLE, AN AIRCRAFT, OR A
11 WATERCRAFT; TO AMEND THE CONDITIONS UNDER WHICH THE
12 OFFENSE OF NEGLIGENT HOMICIDE IS COMMITTED; TO REPEAL
13 THE ABILITY OF A PROSECUTING ATTORNEY OR DEFENDANT TO
14 SUBPOENA CERTAIN INDIVIDUALS BEFORE A HEARING OR
15 TRIAL; AND FOR OTHER PURPOSES.
16

Subtitle

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19 TO AMEND THE CONDITIONS UNDER WHICH THE
20 OFFENSE OF NEGLIGENT HOMICIDE IS
21 COMMITTED; AND TO REPEAL THE ABILITY OF
22 A PROSECUTING ATTORNEY OR DEFENDANT TO
23 SUBPOENA CERTAIN INDIVIDUALS BEFORE A
24 HEARING OR TRIAL.
25

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

28 SECTION 1. Arkansas Code § 5-10-105(a)(1), concerning the offense of
29 negligent homicide as a result of operating a vehicle, an aircraft, or a
30 watercraft, is amended to read as follows:

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

34 (A) While intoxicated;

35 (B)(i) If at that time there is an alcohol concentration
36 of eight hundredths (0.08) or more in the person's breath or blood based upon



1 the definition of alcohol concentration in § 5-65-204, as determined by a
 2 chemical test of the person's blood, urine, breath, saliva, or other bodily
 3 substance.

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

7 (C) While passing a stopped school bus in violation of §
 8 27-51-1004 if the person is operating a vehicle; ~~or~~

9 (D) While fatigued; or

10 (E)(i) While there is any amount of a controlled substance
 11 present in the person, as determined by a chemical test of the person's
 12 blood, urine, breath, saliva, or other bodily substance and the person was
 13 operating a vehicle.

14 (ii) The method of the chemical test of the person's
 15 blood, urine, saliva, breath, or other bodily substance shall be made in
 16 accordance with § 5-65-208.

17
 18 SECTION 2. Arkansas Code § 5-10-105(c), concerning definitions related
 19 to the offense of negligent homicide, is amended to add an additional
 20 subdivision to read as follows:

21 (3) "Controlled substance" means:

22 (A) Fentanyl;

23 (B) Methamphetamine;

24 (C) Heroin; or

25 (D) Cocaine.

26
 27 SECTION 3. Arkansas Code § 5-65-206(d)(3), concerning compelling the
 28 testimony of certain persons by subpoena, is amended to read as follows.

29 (3)(A) A person charged with violating § 5-65-103 has the right
 30 to cross-examine or call as a witness:

31 (i)(A) The person who calibrates the instrument conducting
 32 a chemical analysis of the person's bodily substances;

33 (ii)(B) The operator of the instrument conducting a
 34 chemical analysis of the person's bodily substances; or

35 (iii)(C) A representative of the office.

36 (B)(i) ~~The prosecuting attorney or the defendant may~~

1 ~~compel the testimony of a person listed in subdivision (d)(3)(A) of this~~
2 ~~section by a subpoena issued to that person at least ten (10) days before the~~
3 ~~date of the hearing or trial.~~

4 ~~(ii) The person whose testimony is compelled shall~~
5 ~~have with him or her the record or report at issue, and the record or report~~
6 ~~is admissible at the hearing or trial.~~

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