

Stricken language would be deleted from present law. Underlined language would be added to present law.

As Engrossed: H2/5/97 S2/27/97

1 State of Arkansas
2 81st General Assembly
3 Regular Session, 1997

A Bill

ACT 526 OF 1997
HOUSE BILL 1417

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5 By: Representatives Hale, Fuqua, Milum, Rodgers, Wilkinson, Wood, Faris, Lynn, Broadway, Cunningham, Johnson, Angel, and
6 Dianne Hudson

For An Act To Be Entitled

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10 "AN ACT TO AMEND ARKANSAS CODE ANNOTATED § 16-89-103 TO
11 PROVIDE FOR A TRIAL TO PROCEED WHEN A DEFENDANT'S ABSENCE
12 IS A RESULT OF HIS OWN ACTIONS; AND FOR OTHER PURPOSES."

Subtitle

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15 "TO PROVIDE FOR A TRIAL TO PROCEED WHEN
16 A DEFENDANT'S ABSENCE IS A RESULT OF HIS
17 OWN ACTIONS"

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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 Annotated § 16-89-103 is amended to read as
22 follows:

23 "16-89-103. Presence of defendant.

24 (a)(1) If the indictment is for a felony, the defendant must be present
25 during the trial.

26 (2) If he escapes from custody after the trial has commenced or
27 is present at the beginning of the trial and then causes himself to be unable
28 to appear at trial or, if on bail, shall absent himself during the trial, the
29 trial may either be stopped or progress to a verdict, at the discretion of the
30 court. This provision shall apply in all instances except where the death
31 penalty is sought. However, judgment shall not be rendered until the presence
32 of the defendant is obtained.

33 (b) If the indictment is for a misdemeanor, the trial may be had in the
34 absence of the defendant."

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36 SECTION 2. All provisions of this act of a general and permanent nature

1 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code
2 Revision Commission shall incorporate the same in the Code.

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4 SECTION 3. If any provision of this act or the application thereof to
5 any person or circumstance is held invalid, such invalidity shall not affect
6 other provisions or applications of the act which can be given effect without
7 the invalid provision or application, and to this end the provisions of this
8 act are declared to be severable.

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10 SECTION 4. All laws and parts of laws in conflict with this act are
11 hereby repealed.

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/s/Rep. Hale et al

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APPROVED:3-14-97

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