

1 **State of Arkansas**
2 **79th General Assembly**
3 **Regular Session, 1993**
4 **By: Representative McJunkin**

A Bill

ACT 1217 OF 1993
HOUSE BILL 1931

For An Act To Be Entitled

8 "AN ACT TO AMEND ARKANSAS CODE § 5-54-125 TO INCREASE THE
9 PENALTY FOR FLEEING FROM A LAW ENFORCEMENT OFFICER ON FOOT
10 OR BY ANY VEHICLE OR CONVEYANCE AND TO PROVIDE FOR THE
11 SUSPENSION OF THE PERSON_S DRIVER_S LICENSE; AND FOR OTHER
12 PURPOSES."

Subtitle

14 "AN ACT TO INCREASE THE PENALTY FOR FLEEING FROM A LAW
15 ENFORCEMENT OFFICER ON FOOT OR BY ANY VEHICLE AND TO
16 SUSPEND THE PERSON_S DRIVER_S LICENSE."
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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 § 5-54-125 is hereby amended to read as
22 follows:

23 "5-54-125. Fleeing.

24 (a) If a person knows that his immediate arrest or detention is being
25 attempted by a duly authorized law enforcement officer, it is the lawful duty
26 of such person to refrain from fleeing, either on foot or by means of any
27 vehicle or conveyance.

28 (b) Fleeing is a separate offense and shall not be considered a lesser
29 included offense or component offense with relation to other offenses which
30 may occur simultaneously with the fleeing.

31 (c) Fleeing shall be considered a Class C misdemeanor, except under the
32 following conditions:

33 (1) If the defendant has been previously convicted of fleeing on
34 foot anytime within a past one-year period; subsequent fleeing on foot
35 offenses shall be Class B misdemeanors;

36 (2) Where property damage occurs as a direct result of the

1 fleeing on foot, the offense shall be a Class A misdemeanor;

2 (3) *Where serious physical injury occurs to any person as a*
3 *direct result of the fleeing on foot, the offense shall be a Class D felony;*

4 (4) *Where serious physical injury to any person occurs as a*
5 *direct result of fleeing by means of any vehicle or conveyance, the offense*
6 *shall be a Class C felony;*

7 (c) (5) *Regardless of the circumstances in subdivisions (c) (1) through*
8 *(c) (4) of this section, if the defendant is under the age of twenty-one (21)*
9 *and has not been previously convicted of fleeing, the offense shall be a Class*
10 *C misdemeanor.*

11 (d) *If the defendant is convicted of violating subdivision (c) (4) of*
12 *this section, then in addition to any other penalty, the court may instruct*
13 *the Office of Driver Services to suspend or revoke the person's driver's*
14 *license for a period of not more than one (1) year.*

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16 SECTION 2. All provisions of this act of general and permanent nature
17 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code
18 Revision Commission shall incorporate the same in the Code.

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20 SECTION 3. If any provisions of this act or the application thereof to
21 any person or circumstance is held invalid, the invalidity shall not affect
22 other provisions or applications of the act which can be given effect without
23 the invalid provisions or application, and to this end the provisions of this
24 act are declared to be severable.

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

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/s/Louis McJunkin

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As Engrossed: 3/24/93 3/31/93

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APPROVED: 4/19/93

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