

1 **State of Arkansas**
2 **80th General Assembly**
3 **Regular Session, 1995**
4 **By: Representative Vess**

A Bill

ACT 410 OF 1995
HOUSE BILL 1067

For An Act To Be Entitled

"AN ACT TO AMEND ARKANSAS CODE ANNOTATED §5-54-125 TO MAKE
FLEEING BY MEANS OF ANY VEHICLE OR CONVEYANCE A FELONY
OFFENSE; AND FOR OTHER PURPOSES."

Subtitle

"TO MAKE FLEEING BY MEANS OF ANY VEHICLE
OR CONVEYANCE A FELONY OFFENSE"

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

SECTION 1. Arkansas Code Annotated 5-54-125 is amended to read as follows:

"5-54-125. Fleeing.

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

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

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

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

(2) Where property damage occurs as a direct result of the fleeing on foot, the offense shall be a Class A misdemeanor;

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

1 (d) Fleeing by means of any vehicle or conveyance shall be considered a
2 Class A misdemeanor.

3 (e) Fleeing by means of any vehicle or conveyance shall be considered a
4 Class D felony if, under circumstances manifesting extreme indifference to the
5 value of human life, he purposely operates the vehicle or conveyance in such a
6 manner that creates a substantial danger of death or serious physical injury
7 to another person or persons. Where serious physical injury to any person
8 occurs as a direct result of fleeing by means of any vehicle or conveyance,
9 the offense shall be a Class C felony;

10 (f) Regardless of the circumstances in subdivisions (c)(1) - (3) of
11 this section, if the defendant is under the age of twenty-one (21) and has not
12 been previously convicted of fleeing, the offense shall be a Class C
13 misdemeanor.

14 (g) If the defendant is convicted of violating subsection (d) of this
15 section, then, in addition to any other penalty, the court may instruct the
16 Office of Driver Services to suspend or revoke the person's driver's license
17 for a period of not more than one (1) year."
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19 SECTION 2. All provisions of this act of a general and permanent nature
20 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code
21 Revision Commission shall incorporate the same in the Code.
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23 SECTION 3. If any provision of this act or the application thereof to
24 any person or circumstance is held invalid, such invalidity shall not affect
25 other provisions or applications of the act which can be given effect without
26 the invalid provision or application, and to this end the provisions of this
27 act are declared to be severable.
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29 SECTION 4. All laws and parts of laws in conflict with this act are
30 hereby repealed.

31 /s/Rep. Vess

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33 APPROVED: 2-23-95

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