

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

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

As Engrossed: S2/28/97

A Bill

ACT 743 OF 1997
HOUSE BILL 1409

4
5 By: Representative Vess

For An Act To Be Entitled

9 "AN ACT TO AMEND ARKANSAS CODE ANNOTATED § 5-54-105 TO
10 EXPAND THE DEFINITION OF THE CRIMINAL OFFENSE OF HINDERING
11 APPREHENSION OR PROSECUTION TO INCLUDE PURPOSEFULLY LYING
12 OR PROVIDING ERRONEOUS INFORMATION TO A CERTIFIED LAW
13 ENFORCEMENT OFFICER; AND FOR OTHER PURPOSES."

Subtitle

15 "TO EXPAND THE DEFINITION OF THE
16 CRIMINAL OFFENSE OF HINDERING
17 APPREHENSION OR PROSECUTION"
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19
20 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

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22 SECTION 1. Arkansas Code Annotated § 5-54-105 is amended to read as
23 follows:

24 "5-54-105. Hindering apprehension or prosecution.

25 (a) A person commits an offense under this section if, with purpose to
26 hinder the apprehension, prosecution, conviction, or punishment of another for
27 an offense, he:

28 (1) Harbors or conceals the person; or

29 (2) Provides or aids in providing the person with a weapon,
30 money, transportation, disguise, or other means of avoiding apprehension,
31 discovery, or effecting escape; or

32 (3) Prevents or obstructs anyone from performing an act which
33 might aid in the discovery, apprehension, or identification of the person by
34 means of force, intimidation, or the threat of such, or by means of deception;
35 or

36 (4) Conceals, alters, destroys, or otherwise suppresses the

1 discovery of any fact, information, or other thing related to the crime which
2 might aid in the discovery, apprehension, or identification of the person; or

3 (5) Warns the person of impending discovery, apprehension, or
4 identification; or

5 (6) Volunteers false information to a law enforcement officer-i
6 or

7 (7) Purposefully lies or attempts to purposefully provide
8 erroneous information, documents or other instrumentalities which he knows to
9 be false to a certified law enforcement officer that would distract from the
10 true course of the investigation or inhibit the logical or orderly progress of
11 the investigation.

12 (b) Hindering apprehension or prosecution is a Class B felony if the
13 conduct of the person assisted in violation of this section constitutes a
14 Class Y or Class A felony, provided that if the defendant shows by
15 preponderance of the evidence that he stands to the person assisted in the
16 relation of parent, child, brother, sister, corresponding steprelationships of
17 the preceding, husband, or wife, hindering is a Class D felony.

18 (c) Hindering apprehension or prosecution is a felony classified one
19 degree below the felony constituted by the conduct of the person assisted in
20 violation of this section if such conduct is a Class B or C felony.

21 (d) Hindering apprehension or prosecution is a Class A misdemeanor if
22 the conduct of the person assisted in violation of this section is a Class D
23 felony or unclassified felony unless the person in violation of this section
24 was assisting an escapee from correctional custody sentenced after being found
25 guilty of a felony. If so, the violation of this section is a Class D felony.
26 Otherwise it is a misdemeanor classed one degree below the misdemeanor
27 constituted by the conduct of the person assisted in violation of this
28 section."

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30 SECTION 2. All provisions of this act of a general and permanent nature
31 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code
32 Revision Commission shall incorporate the same in the Code.

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34 SECTION 3. If any provision of this act or the application thereof to
35 any person or circumstance is held invalid, such invalidity shall not affect
36 other provisions or applications of the act which can be given effect without

1 the invalid provision or application, and to this end the provisions of this
2 act are declared to be severable.

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

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/s/Vess

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APPROVED: 3-21-97

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