

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

Act 1304 of the Regular Session

1 State of Arkansas
2 87th General Assembly
3 Regular Session, 2009
4

As Engrossed: H3/25/09

A Bill

HOUSE BILL 1830

5 By: Representative B. Wilkins
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8 **For An Act To Be Entitled**

9 AN ACT TO AMEND THE FLEEING STATUTE; AND FOR
10 OTHER PURPOSES.
11

12 **Subtitle**

13 AN ACT TO AMEND THE FLEEING STATUTE.
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16 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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18 SECTION 1. Arkansas Code § 5-54-125 is amended to read as follows:
19 5-54-125. Fleeing.

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

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

27 (c) Fleeing on foot is considered a Class C misdemeanor, except under
28 the following conditions:

29 (1) If the defendant has been previously convicted of fleeing on
30 foot anytime within the past one-year period, a subsequent fleeing on foot
31 offense is a Class B misdemeanor;

32 (2) ~~When~~ If property damage occurs as a direct result of the
33 fleeing on foot, the fleeing on foot offense is a Class A misdemeanor; or

34 (3) ~~When~~ If serious physical injury occurs to any person as a
35 direct result of the fleeing on foot, the fleeing on foot offense is a Class



1 D felony.

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

4 (B) A person convicted under subdivision (d)(1)(A) of this
5 section shall serve a minimum of two (2) days in jail.

6 (2) Fleeing by means of any vehicle or conveyance is considered
7 a Class D felony if, under circumstances manifesting extreme indifference to
8 the value of human life, a person purposely operates the vehicle or
9 conveyance in such a manner that creates a substantial danger of death or
10 serious physical injury to another person.

11 (3) ~~When~~ If serious physical injury to any person occurs as a
12 direct result of fleeing by means of any vehicle or conveyance, the fleeing
13 by means of any vehicle or conveyance offense is a Class C felony.

14 (e) Regardless of the circumstances in subdivisions (c)(1)-(3) of this
15 section, if the defendant is under twenty-one (21) years of age and has not
16 been previously convicted of fleeing, the offense of fleeing is a Class C
17 misdemeanor.

18 (f) In addition to any other penalty, if the defendant is convicted of
19 violating subsection (d) of this section, the court ~~may~~ shall instruct the
20 Office of Driver Services of the Department of Finance and Administration to
21 suspend or revoke the defendant's driver's license for ~~a period of~~ at least
22 six (6) months but not more than one (1) year.

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/s/ B. Wilkins

APPROVED: 4/9/2009