

1 State of Arkansas
2 89th General Assembly
3 Regular Session, 2013
4

As Engrossed: S3/21/13

A Bill

SENATE BILL 1134

5 By: Senator J. Hutchinson
6

For An Act To Be Entitled

8 AN ACT TO AMEND THE PENALTIES FOR THE CRIMINAL
9 OFFENSE OF FAILURE TO APPEAR; AND FOR OTHER PURPOSES.

Subtitle

10 TO AMEND THE PENALTIES FOR THE CRIMINAL
11 OFFENSE OF FAILURE TO APPEAR.
12

13 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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15 SECTION 1. Arkansas Code § 5-54-120 is amended to read as follows:
16 5-54-120. Failure to appear.

17 (a) A person commits the offense of failure to appear if he or she
18 fails to appear without reasonable excuse subsequent to having been:

19 (1) Cited or summonsed as an accused; or

20 (2) Lawfully set at liberty upon condition that he or she appear
21 at a specified time, place, and court.

22 (b) Failure to appear is a:

23 (1) Class C felony if the required appearance was in regard to a
24 pending charge or disposition of a felony charge either before or after a
25 determination of guilt of the charge;

26 (2) Class D felony if the required appearance was in regard to
27 an order to appear issued before a revocation hearing under § 16-93-307 and
28 the defendant was placed on probation or suspended sentence for a felony
29 offense;

30 ~~(c) Failure to appear is a:~~

31 ~~(1)(3) Class A misdemeanor if the required appearance was in~~
32 ~~regard to a pending charge or disposition of a Class A misdemeanor charge~~
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1 either before or after a determination of guilt of the charge;

2 ~~(2)~~(4) Class B misdemeanor if the required appearance was in
3 regard to a pending charge or disposition of a Class B misdemeanor charge
4 either before or after a determination of guilt of the charge;

5 ~~(3)~~(5) Class B misdemeanor if the required appearance was in
6 regard to a pending charge or disposition of a Class C misdemeanor charge
7 either before or after a determination of guilt of the charge;

8 ~~(4)~~(6) Class B misdemeanor if the required appearance was in
9 regard to a pending charge or disposition of a Class D misdemeanor charge
10 either before or after a determination of guilt of the charge;

11 ~~(5)~~(7) Class B misdemeanor with the same penalty as the
12 unclassified misdemeanor in the pending charge or disposition if the required
13 appearance was in regard to a pending charge or disposition of an
14 unclassified misdemeanor either before or after a determination of guilt on
15 the charge; and

16 ~~(6)~~(8) Class C misdemeanor if the required appearance was in
17 regard to a pending charge or disposition of a violation either before or
18 after a determination of guilt of the charge.

19 (d) *This section does not apply to an order to appear imposed as a*
20 *condition of suspension or probation under § 5-4-303* ~~or an order to appear~~
21 ~~issued before a revocation hearing under § 16-93-307.~~

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23 /s/J. Hutchinson
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26 **APPROVED: 04/12/2013**
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