

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 478 of the Regular Session

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

A Bill

SENATE BILL 375

5 By: Senator J. Taylor
6 By: Representative Davenport
7

For An Act To Be Entitled

10 AN ACT INCREASING THE PENALTY FOR ESCAPING FROM
11 THE CUSTODY OF THE DEPARTMENT OF CORRECTION, THE
12 DEPARTMENT OF COMMUNITY CORRECTION, OR A LAW
13 ENFORCEMENT AGENCY, AND FOR FURNISHING AN
14 IMPLEMENT FOR ESCAPE; AND FOR OTHER PURPOSES.
15

Subtitle

16 AN ACT INCREASING THE PENALTY FOR
17 ESCAPING FROM THE CUSTODY OF THE
18 DEPARTMENT OF CORRECTION, THE DEPARTMENT
19 OF COMMUNITY CORRECTION, OR A LAW
20 ENFORCEMENT AGENCY, AND FOR FURNISHING
21 AN IMPLEMENT FOR ESCAPE.
22
23
24

25 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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27 SECTION 1. Arkansas Code § 5-54-110 is amended to read as follows:
28 5-54-110. First degree escape.

29 (a) A person commits the offense of first degree escape if:

30 (1) At any time, including from the point of departure from
31 confinement to the return to confinement, aided by another person actually
32 present, he or she uses or threatens to use physical force in escaping from:

- 33 (A) Custody;
34 (B) A correctional facility;
35 (C) A juvenile detention facility; or



1 (D) A youth services program; or
2 (2) At any time, including from the point of departure from
3 confinement to the return to confinement, he or she uses or threatens to use
4 a deadly weapon in escaping from:

- 5 (A) Custody;
- 6 (B) A correctional facility;
- 7 (C) A juvenile detention facility; or
- 8 (D) A youth services program.

9 (b)(1) First degree escape is a Class C A felony if, at the time of
10 the escape, the person is in the custody of:

- 11 (A) The Department of Correction;
- 12 (B) The Department of Community Correction; or
- 13 (C) A law enforcement agency.

14 (2) Otherwise first degree escape is a Class C felony.

15
16 SECTION 2. Arkansas Code § 5-54-111 is amended to read as follows:
17 5-54-111. Second degree escape.

18 (a) A person commits the offense of second degree escape if he or she:

19 (1) At any time, including from the point of departure from
20 confinement to the return to confinement, uses or threatens to use physical
21 force in escaping from custody;

- 22 (2) Having been found guilty of a felony, escapes from custody;
- 23 (3) Escapes from a correctional facility;
- 24 (4) Escapes from a juvenile detention facility; or
- 25 (5) Escapes from a youth services program.

26 (b)(1) Second degree escape is a Class D B felony if, at the time of
27 the escape, the person is in the custody of:

- 28 (A) The Department of Correction;
- 29 (B) The Department of Community Correction; or
- 30 (C) A law enforcement agency.

31 (2) Otherwise second degree escape is a Class D felony.

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33 SECTION 3. Arkansas Code § 5-54-112 is amended to read as follows:
34 5-54-112. Third degree escape.

35 (a) A person commits the offense of third degree escape if he or she
36 escapes from custody.

1 (b) It is a defense to a prosecution under this section that the
2 person escaping was in custody pursuant to an unlawful arrest.

3 (c)(1) Third degree escape is a Class A misdemeanor or C felony if, at
4 the time of the escape, the person is in the custody of:

5 (A) The Department of Correction;

6 (B) The Department of Community Correction; or

7 (C) A law enforcement agency.

8 (2) Otherwise third degree escape is a Class A misdemeanor.

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10 SECTION 4. Arkansas Code § 5-54-117 is amended to read as follows:

11 5-54-117. ~~Furnishing~~ Assisting in or furnishing an implement for
12 escape.

13 (a) A person commits the offense of assisting in or furnishing an
14 implement for escape if, with the purpose of facilitating escape, he or she:

15 (1) Introduces an implement for escape into a correctional
16 facility;

17 (2) Provides an inmate in a correctional facility with an
18 implement for escape; ~~or~~

19 (3) Provides a person in custody with an implement for escape;

20 (4) Provides transportation of any kind that is used in the
21 commission or furtherance of an escape from a correctional facility;

22 (5) Furnishes food, clothing, finances, or other aid to a person
23 who escaped from a correctional facility; or

24 (6) Provides shelter or housing to a person who escaped from a
25 correctional facility.

26 (b)(1) ~~Furnishing~~ an implement for escape is a Class ~~G~~ B felony if the
27 implement for escape provided is a deadly weapon.

28 (2) ~~Otherwise,~~ furnishing an implement for escape is a Class ~~D~~ C
29 felony.

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31 **APPROVED: 3/19/2009**