

1 State of Arkansas
2 91st General Assembly
3 Regular Session, 2017
4

A Bill

HOUSE BILL 1885

5 By: Representative Gazaway
6

For An Act To Be Entitled

8 AN ACT CONCERNING THE CRIMINAL OFFENSE OF FLEEING;
9 AND FOR OTHER PURPOSES.

Subtitle

12 CONCERNING THE CRIMINAL OFFENSE OF
13 FLEEING.
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17 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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19 SECTION 1. Arkansas Code § 5-54-125 is amended to read as follows:
20 5-54-125. Fleeing.

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

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

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

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

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

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



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

14 ~~(e) Regardless of the circumstances in subdivisions (e)(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)~~(e) In addition to any other penalty, if the defendant is convicted
19 of violating subsection (d) of this section, the court 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 at least six (6)
22 months but not more than one (1) year.