



*Arkansas  
Sentencing  
Commission*

**Impact Assessment for HB1885  
Sponsored by Representatives Gazaway**

**Subtitle** CONCERNING THE CRIMINAL OFFENSE OF FLEEING.

**Impact Summary**<sup>1</sup> Cannot be determined.

**Change from current law**<sup>2</sup> Amends Arkansas Code § 5-54-125, Fleeing, to amend the law as it relates to fleeing on foot for defendants under the age of twenty-one (21). Currently, fleeing on foot is a Class C misdemeanor if the defendant is under twenty-one (21) years of age and has not previously been convicted of fleeing, regardless of whether property damage results or serious physical injury occurs. Under the proposed bill, a defendant under the age of twenty-one (21) convicted of fleeing on foot is subject to the same range of punishment as a defendant who is twenty-one (21) years of age or older. Fleeing on foot is classified as a Class C misdemeanor, except under the following conditions:

- (1) Class B misdemeanor: If the defendant has been previously convicted of fleeing on foot anytime within the past one-year period (subsequent conviction);
- (2) Class A misdemeanor: If property damage occurs as a direct result of the fleeing on foot; or
- (3) Class D felony: If serious physical injury occurs to any person as a direct result of the fleeing on foot.

**Impact Information**

The proposed bill amends the penalty for defendants under the age of twenty-one (21) who are convicted of Fleeing on foot. Conduct currently classified as a Class C misdemeanor could potentially be penalized as a more severe penalty for these offenders. Data is unavailable as to the age of offenders committing the specific courses of conduct amended by this proposed bill. Because of this data limitation, the exact impact cannot be determined. The following data is for informational purposes only.

The Administrative Office of the Courts (AOC) reports that for the three (3) year period beginning January 1, 2013, and ending December 31, 2015, there were 424 convictions for Fleeing, a Class C misdemeanor. Data does not identify the age of the offenders convicted of this offense. Additionally, AOC data on misdemeanors is limited to data reported from Circuit Courts and those District Courts that report information via the Contexte Case Management System. Therefore, these numbers are not indicative of the total universe of convictions for this offense.

<sup>1</sup> This impact assessment was prepared (3/8/2017, 3:45 p.m.) by the staff of the Arkansas Sentencing Commission pursuant to A. C. A. § 16-90-802(d)(6) with data supplied by the Arkansas Department of Correction and the Administrative Office of the Courts. A micro-simulation model may be used for bills which have the potential for significant impact on correctional resources. The following designations will be used: “minimal” = less than 10 offenders per year will be affected; “medium” = would require budgetary increases for ADC inmate costs; and “major” = would require budgetary increases for ADC inmate costs and construction costs for additional beds.

<sup>2</sup> Standard punishment ranges:

Class Y	10-40 years or life	Class C	3-10 years; up to \$10,000	Class A	Up to 1 year; up to \$2,500
Class A	6-30 years; up to \$15,000	Class D	0-6 years; up to \$10,000	Class B	Up to 90 days; up to \$1,000
Class B	5-20 years; up to \$15,000	Unclassified	As specified in statute	Class C	Up to 30 days; up to \$500