



*Arkansas
Sentencing
Commission*

**Impact Assessment for HB1550
Sponsored by Representative Maddox**

Subtitle CONCERNING THE OFFENSE OF ABSCONDING.

Impact Summary¹ Cannot be determined.

Change from current law² Amends Arkansas Code Annotated § 5-54-131, Absconding, by adding a new course of conduct by which a person commits the offense of absconding. Under the proposed bill, a person commits the offense of absconding if the person knowingly fails to abide by the terms of his or her sentence or conditions imposed under § 16-90-122 concerning his or her release pending bed space at the Department of Correction or Department of Community Correction by not reporting to a designated place or at a designated time in order to submit himself or herself to the custody of the Department of Correction or the Department of Community Correction to serve a period of incarceration he or she was previously ordered by a court to serve. A person convicted of A.C.A. § 5-54-131, Absconding, under the proposed bill as well as current law, is a Class D felony. Please see attached for a reprint of the current code provision.

Impact Information

The Arkansas Department of Community Correction (ACC) had no reportable instances of conduct falling under this proposed bill. The Arkansas Department of Correction (ADC) reports that for the time period beginning January 1, 2018 and ending February 21, 2019, there were 29 confirmed instances of a person not reporting in order to submit himself or herself to the custody of ADC. Of these offenders, nineteen (19) had underlying offenses which were substantially more serious than the offense of absconding, as it is currently written. Because of the serious nature of the crimes for which most offenders failed to report, it is unlikely that a new conviction for absconding would have more than a minimal impact on the offender's total length of sentence. Due to the unavailability of data from ACC on the likely number of offenders subject to the proposed bill, as well as the possibility of sentences for absconding under the proposed bill running consecutively to current sentences, the impact of this proposed bill cannot be determined.

The following numbers are provided for informational purposes only. The Administrative Office of the Courts reports that for the three (3) year period beginning January 1, 2015 and ending December 31, 2017, there were ten (10) convictions for a violation of A.C.A. § 5-54-131, Absconding, Class D felony, as currently written.

¹ This impact assessment was prepared (2/27/2019, 12:11 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.

² Standard punishment ranges:

Class Y 10-40 years or life
Class A 6-30 years; up to \$15,000
Class B 5-20 years; up to \$15,000

Class C 3-10 years; up to \$10,000
Class D 0-6 years; up to \$10,000
Unclassified As specified in statute

Misdemeanors

Class A Up to 1 year; up to \$2,500
Class B Up to 90 days; up to \$1,000
Class C Up to 30 days; up to \$500

A.C.A § 5-54-131. Absconding.

- (a)** A person commits the offense of absconding if the person knowingly:
 - (1)** Leaves a designated residence while under house arrest ordered as a condition of the person's release on a criminal offense by a court of competent jurisdiction; or
 - (2)** Leaves a designated area while wearing an electronic monitoring device ordered as a condition of the person's release on a criminal offense by a:
 - (A)** Court of competent jurisdiction; or
 - (B)**
 - (i)** Sheriff or his or her designee.
 - (ii)** A determination by a sheriff or his or her designee placing a person on electronic monitoring remains valid until changed by the sheriff or his or her designee.
- (b)** The offense of absconding is a Class D felony.

HISTORY: Acts 1993, No. 473, § 1; 1999, No. 755, § 1.