



ARKANSAS SENTENCING COMMISSION

1302 Pike Avenue, Suite E • North Little Rock, AR 72114

Phone: (501) 682-5001 • Fax: (501) 682-5018

Impact Assessment for HB1505 **Sponsored by Representative C. Fite**

Subtitle TO AMEND THE LAW CONCERNING THE PENALTY FOR A DRIVER WHO FAILS TO REMAIN AT THE SCENE OF AN ACCIDENT THAT RESULTS IN DEATH OR PERSONAL INJURY.

Impact Summary¹ Minimal, affecting fewer than ten offenders per year. Available data does not distinguish between the extent of injuries sustained as a result of an accident from which an offender left the scene. However, there are very few offenders serving a term of incarceration for which A.C.A. § 27-53-101 is the most serious offense.

Change from Current Law² Amends Arkansas Code Annotated § 27-53-101, Requirements in accidents involving death or personal injuries, to differentiate between occurrences involving physical injury to another person and those involving serious physical injury to or death of another person. The proposed bill also increases the penalty for a violation of A.C.A. § 27-53-101 and § 27-53-103 from a Class D felony to a Class B felony if the accident results in serious physical injury to or death of another person. [See attached for a complete reprint of the relevant code section.]

Impact Information The proposed bill increases the penalty for a violation of A.C.A. § 27-53-101 and § 27-53-103, Requirements in accidents involving death or personal injuries. Available data does not distinguish between the extent of injuries sustained as a result of an accident from which an offender left the scene. However, the number of offenders serving a term of incarceration for which A.C.A. § 27-53-101 is the most serious offense is small, because situations involving serious physical injury or death are often accompanied by other, more serious charges. For this reason, the projected impact of the proposed bill is minimal.

The Division of Correction reports that there are twenty-eight (28) inmates serving a term of incarceration for a violation of A.C.A. § 27-53-101, Requirements in accidents involving death or personal injuries, a Class D felony, as currently written. Four (4) of these offenders are serving a term of incarceration for which A.C.A. § 27-53-101 is the most serious offense.

¹ This impact assessment was prepared 3/17/2021 4:10 PM 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 Corrections 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. § 27-53-101. Requirements in accidents involving death or personal injuries.

(a)

(1) The driver of any vehicle involved in an accident resulting in injury to or death of any person shall immediately stop the vehicle at the scene of the accident or as close thereto as possible, but shall then immediately return to and in every event shall remain at the scene of the accident until he or she has fulfilled the requirements of § 27-53-103.

(2) Every such stop shall be made without obstructing traffic more than is necessary.

(3) An accident of this nature shall include all accidents which occur upon the streets or highways, upon the parking area of private business establishments, or elsewhere throughout the state.

(b)

(1) Any person failing to comply with subsection (a) of this section or with § 27-53-103 shall upon conviction be deemed guilty of a Class D felony.

(2) The Commissioner of Motor Vehicles shall revoke the driver's license or commercial driver's license of the person so convicted.

History

Acts 1937, No. 300, § 36; Pope's Dig., § 6694; Acts 1981, No. 918, § 1; A.S.A. 1947, § 75-901; Acts 1987, No. 88, § 1; 1995, No. 659, § 4.

A.C.A. § 27-53-103. Duty to give information, remain at the scene of an accident, and render aid.

(a)

(1) The driver of any vehicle involved in an accident resulting in injury to or death of any person or damage to any vehicle that is driven or attended by any person shall give his or her name, address, and the registration number of the vehicle he or she is driving.

(2) Upon request and if available, the driver shall exhibit his or her driver's license or commercial driver's license to the person struck, or the driver or occupant of, or person attending, any vehicle collided with and shall render to any person injured in the accident reasonable assistance, including the transporting, or the making of arrangements for the transporting, of the person to a physician, surgeon, or hospital for medical or surgical treatment if it is apparent that treatment is necessary or if transporting is requested by the injured person.

(b)

(1) The driver of any vehicle involved in an accident resulting in injury to or death of any person or damage to any vehicle that is driven or attended by any person shall remain at the scene of the accident for a reasonable time in order to be present if the driver knows that a law enforcement agency was contacted for assistance unless it is necessary for the driver to leave the scene of the accident to render assistance as required by subdivision (a)(2) of this section.

(2) For the purpose of compliance with subdivision (b)(1) of this section, a reasonable time is not less than thirty (30) minutes.

History

Acts 1937, No. 300, § 38; Pope's Dig., § 6696; A.S.A. 1947, § 75-903; Acts 1995, No. 659, § 5; 2007, No. 145, § 1.