



## ARKANSAS SENTENCING COMMISSION

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### **Impact Assessment for HB1561 Sponsored by Representative C. Fite**

**Subtitle** TO AMEND THE LAW CONCERNING THE PENALTIES FOR MOVING VIOLATIONS IN HIGHWAY WORK ZONES; AND TO CREATE ADDITIONAL PENALTIES FOR TRAFFIC VIOLATIONS RESULTING IN INJURY OR DEATH OF CONSTRUCTION PERSONNEL.

**Impact Summary**<sup>1</sup> Minimal. While the proposed bill creates a new course of felony conduct, data from the Department of Public Safety indicates that occurrences of the new felony conduct does not exceed ten (10) per year.

**Change from Current Law**<sup>2</sup> The proposed bill amends Arkansas Code Title 27, Chapter 50, Subchapter 4, to add an additional section, § 27-50-409, Injury to construction personnel – Penalties - Definitions. Under the proposed bill, a person commits the offense of Injury to construction personnel if he or she commits a moving traffic violation while the person is driving through a highway work zone in this state, which results in physical injury or death of construction personnel. Under the proposed bill, the penalty is a Class A misdemeanor for occurrences that result in physical injury to a member of construction personnel, and a Class C felony for occurrences that result in the death of a member of construction personnel.

**Impact Information** The proposed bill creates a new felony offense, data is unavailable as to the likely number of convictions. However, available records from Arkansas State Police fatal crash summaries indicate there were four (4) deaths of construction personnel on Arkansas roads between 2019 and 2022. For this reason, the impact on correctional resources is projected to be minimal.

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<sup>1</sup> This impact assessment was prepared 3/14/2023 8:10 AM 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.

<sup>2</sup> 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

