

1 State of Arkansas
2 80th General Assembly
3 Regular Session, 1995
4 By: Representative Vess

A Bill

HOUSE BILL 1067

For An Act To Be Entitled

8 "AN ACT TO AMEND ARKANSAS CODE ANNOTATED §5-54-125 TO MAKE
9 FLEEING BY MEANS OF ANY VEHICLE OR CONVEYANCE A FELONY
10 OFFENSE; AND FOR OTHER PURPOSES."

Subtitle

13 "TO MAKE FLEEING BY MEANS OF ANY VEHICLE
14 OR CONVEYANCE A FELONY OFFENSE"

16 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

18 SECTION 1. Arkansas Code Annotated 5-54-125 is amended to read as
19 follows:

20 "5-54-125. Fleeing.

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

25 (b) Fleeing is a separate offense and shall not be 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 shall be considered a Class C misdemeanor, except
29 under the following conditions:

30 (1) If the defendant has been previously convicted of fleeing on
31 foot anytime within the past one-year period, subsequent fleeing on foot
32 offenses shall be Class B misdemeanors;

33 (2) Where property damage occurs as a direct result of the
34 fleeing on foot, the offense shall be a Class A misdemeanor;

35 (3) Where serious physical injury occurs to any person as a

1 direct result of the fleeing on foot, the offense shall be a Class D felony;

2 (d) Fleeing by means of any vehicle or conveyance shall be considered a
3 *Class A misdemeanor.*

4 (e) *Fleeing by means of any vehicle or conveyance shall be considered*
5 *a Class D felony if, under circumstances manifesting extreme indifference to*
6 *the value of human life, he purposely operates the vehicle or conveyance in*
7 *such a manner that creates a substantial danger of death or serious physical*
8 *injury to another person or persons. Where serious physical injury to any*
9 *person occurs as a direct result of fleeing by means of any vehicle or*
10 *conveyance, the offense shall be a Class C felony;*

11 (f) Regardless of the circumstances in subdivisions (c)(1) - (3) of
12 this section, if the defendant is under the age of twenty-one (21) and has
13 not been previously convicted of fleeing, the offense shall be a Class C
14 misdemeanor.

15 (g) If the defendant is convicted of violating subsection (d) of this
16 section, then, in addition to any other penalty, the court may instruct the
17 Office of Driver Services to suspend or revoke the person's driver's license
18 for a period of not more than one (1) year."

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20 SECTION 2. All provisions of this act of a general and permanent
21 nature are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas
22 Code Revision Commission shall incorporate the same in the Code.

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24 SECTION 3. If any provision of this act or the application thereof to
25 any person or circumstance is held invalid, such invalidity shall not affect
26 other provisions or applications of the act which can be given effect without
27 the invalid provision or application, and to this end the provisions of this
28 act are declared to be severable.

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30 SECTION 4. All laws and parts of laws in conflict with this act are
31 hereby repealed.

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/s/Rep. Vess

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