

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

1 State of Arkansas
2 85th General Assembly
3 Regular Session, 2005
4

As Engrossed: S3/29/05

A Bill

HOUSE BILL 2498

5 By: Representatives Rogers, *Thompson*
6 By: *Senators Critcher, Wooldridge*
7

For An Act To Be Entitled

10 AN ACT TO *LIMIT* THE CLASSIFICATION REDUCTION
11 PROVISION FOR CERTAIN PERSONS IN CASES OF
12 HINDERING APPREHENSION OR PROSECUTION; AND FOR
13 OTHER PURPOSES.
14

Subtitle

15 AN ACT TO *LIMIT* THE CLASSIFICATION
16 REDUCTION PROVISION FOR CERTAIN PERSONS
17 IN CASES OF HINDERING APPREHENSION OR
18 PROSECUTION.
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22 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
23

24 SECTION 1. Arkansas Code § 5-54-105 is amended to read as follows:
25 5-54-105. Hindering apprehension or prosecution.

26 (a) A person commits an offense under this section if, with purpose to
27 hinder the apprehension, prosecution, conviction, or punishment of another
28 for an offense, he or she:

29 (1) Harbors or conceals the person; ~~or~~

30 (2) Provides or aids in providing the person with a weapon,
31 money, transportation, disguise, or other means of avoiding apprehension,
32 discovery, or effecting escape; ~~or~~

33 (3) Prevents or obstructs anyone from performing an act which
34 might aid in the discovery, apprehension, or identification of the person by
35 means of force, intimidation, or the threat of such, or by means of
36 deception; ~~or~~



1 (4) Conceals, alters, destroys, or otherwise suppresses the
2 discovery of any fact, information, or other thing related to the crime which
3 might aid in the discovery, apprehension, or identification of the person; ~~or~~

4 (5) Warns the person of impending discovery, apprehension, or
5 identification; ~~or~~

6 (6) Volunteers false information to a law enforcement officer;
7 or

8 (7) Purposefully lies or attempts to purposefully provide
9 erroneous information, documents or other instrumentalities which he or she
10 knows to be false to a certified law enforcement officer that would distract
11 from the true course of the investigation or inhibit the logical or orderly
12 progress of the investigation.

13 (b)(1)(A) Hindering apprehension or prosecution is a Class B felony if
14 the conduct of the person assisted in violation of this section constitutes a
15 *Class Y or Class A felony*.

16 (B) ~~provided that~~ However, except as provided in
17 subdivision (b)(2) of this section, if the defendant shows by a preponderance
18 of the evidence that he or she stands to the person assisted in the relation
19 of parent, child, brother, sister, ~~corresponding steprelationships of the~~
20 ~~preceding~~, husband, or wife, hindering is a Class D felony.

21 (2) Subdivision (b)(1)(B) of this section shall not apply if the
22 offense of the person assisted is:

23 (A) Capital murder, as prohibited in § 5-10-101;

24 (B) Murder in the first degree, as prohibited in §§ 5-10-
25 102;

26 (C) Kidnapping, as prohibited in § 5-11-102; or

27 (D) Rape, as prohibited in § 5-14-103.

28 (c) Hindering apprehension or prosecution is a felony classified one
29 (1) degree below the felony constituted by the conduct of the person assisted
30 in violation of this section if such conduct is a Class B or C felony.

31 (d) Hindering apprehension or prosecution is a Class A misdemeanor if
32 the conduct of the person assisted in violation of this section is a Class D
33 felony or unclassified felony unless the person in violation of this section
34 was assisting an escapee from correctional custody sentenced after being
35 found guilty of a felony. If so, the violation of this section is a Class D
36 felony. Otherwise it is a misdemeanor classed one (1) degree below the

1 misdemeanor constituted by the conduct of the person assisted in violation of
2 this section.

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/s/ Rogers