

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 87th General Assembly  
3 Regular Session, 2009  
4

# A Bill

SENATE BILL 325

5 By: Senator J. Jeffress  
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7

## For An Act To Be Entitled

8 AN ACT CONCERNING THE OFFENSE OF FAILURE TO  
9 APPEAR; AND FOR OTHER PURPOSES.  
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## Subtitle

11 CONCERNING THE OFFENSE OF FAILURE TO  
12 APPEAR.  
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17 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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19 SECTION 1. Arkansas Code § 5-54-120 is amended to read as follows:  
20 5-54-120. Failure to appear.

21 (a) A person commits the offense of failure to appear if he or she  
22 fails to appear without reasonable excuse subsequent to having been:

23 (1) Cited or summonsed as an accused; or

24 (2) Lawfully set at liberty upon condition that he or she appear  
25 at a specified time, place, and court.

26 (b)(1) Failure to appear is a Class C felony if the required  
27 appearance was to answer a charge of felony or for disposition of any felony  
28 charge either before or after a determination of guilt of the felony charge.

29 (2) Failure to appear is a Class C felony if the required  
30 appearance was to answer a charge of Class A misdemeanor or any misdemeanor  
31 punishable by up to one (1) year in jail or for disposition of any Class A  
32 misdemeanor or any misdemeanor punishable by up to one (1) year in jail  
33 either before or after a determination of guilt of the charge.

34 (c)(1) Failure Except as provided in subdivision (b)(2) of this  
35 section, failure to appear is a Class A misdemeanor if the required  
36 appearance was to answer a charge of misdemeanor or for disposition of any



1 misdemeanor charge either before or after a determination of guilt of the  
2 misdemeanor charge.

3 (2) Failure to appear is a Class C misdemeanor if the required  
4 appearance was to answer a violation.

5 (d) A person shall not be charged for more than one (1) offense of  
6 failure to appear per court date regardless of the number of charges a person  
7 is cited or summonsed as an accused to appear for on the court date.

8 ~~(d)~~(e) This section does not apply to an order to appear imposed as a  
9 condition of suspension or probation pursuant to § 5-4-303 or an order to  
10 appear issued prior to a revocation hearing pursuant to § 5-4-310.

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