

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

As Engrossed: S2/23/09

A Bill

SENATE BILL 325

5 By: Senator J. Jeffress
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For An Act To Be Entitled

9 AN ACT CONCERNING THE OFFENSE OF FAILURE TO
10 APPEAR; AND FOR OTHER PURPOSES.
11

Subtitle

12 CONCERNING THE OFFENSE OF FAILURE TO
13 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) Failure to appear is a Class C felony if the required appearance
27 was to answer a charge of felony or for disposition of any felony charge
28 either before or after a determination of guilt of the felony charge.

29 (c)(1) *Failure to appear is a Class A misdemeanor if the required*
30 *appearance was to answer a charge of misdemeanor or for disposition of any*
31 *misdemeanor charge either before or after a determination of guilt of the*
32 *misdemeanor charge.*

33 (2)(A) Failure to appear is a Class C felony if the person has
34 failed or refused to appear for more than ninety (90) days in answer to a
35 citation, summons, or other order to appear as specified in this section for
36 any appearance or disposition of any offense classified as a Class A



1 misdemeanor or any misdemeanor punishable by up to one (1) year in jail.

2 (B) Upon the filing of an information charging a person
3 with failure to appear under subdivision (c)(2)(A) of this section and the
4 issuance of a felony failure to appear warrant, the court shall recall any
5 previously issued misdemeanor failure to appear warrant for the person.

6 ~~(2)(3)~~ Failure to appear is a Class C misdemeanor if the
7 required appearance was to answer a violation.

8 (d) Failure to appear for a court date is one (1) offense of failure
9 to appear per court date regardless of the number of charges a person cited
10 or summonsed as an accused is required to appear for on the court date.

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

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15 /s/ J. Jeffress
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