

1 State of Arkansas
2 89th General Assembly
3 Regular Session, 2013
4

As Engrossed: S3/21/13
A Bill

SENATE BILL 1134

5 By: Senator J. Hutchinson
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7 **For An Act To Be Entitled**

8 AN ACT TO AMEND THE PENALTIES FOR THE CRIMINAL
9 OFFENSE OF FAILURE TO APPEAR; AND FOR OTHER PURPOSES.
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11 **Subtitle**

12 TO AMEND THE PENALTIES FOR THE CRIMINAL
13 OFFENSE OF FAILURE TO 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:

27 (1) Class C felony if the required appearance was in regard to a
28 pending charge or disposition of a felony charge either before or after a
29 determination of guilt of the charge;

30 (2) Class D felony if the required appearance was in regard to
31 an order to appear issued before a revocation hearing under § 16-93-307 and
32 the defendant was placed on probation or suspended sentence for a felony
33 offense;

34 ~~(c) Failure to appear is a:~~

35 ~~(1)(3)~~ (3) Class A misdemeanor if the required appearance was in
36 regard to a pending charge or disposition of a Class A misdemeanor charge



1 either before or after a determination of guilt of the charge;

2 ~~(2)~~(4) Class B misdemeanor if the required appearance was in
3 regard to a pending charge or disposition of a Class B misdemeanor charge
4 either before or after a determination of guilt of the charge;

5 ~~(3)~~(5) Class B misdemeanor if the required appearance was in
6 regard to a pending charge or disposition of a Class C misdemeanor charge
7 either before or after a determination of guilt of the charge;

8 ~~(4)~~(6) Class B misdemeanor if the required appearance was in
9 regard to a pending charge or disposition of a Class D misdemeanor charge
10 either before or after a determination of guilt of the charge;

11 ~~(5)~~(7) Class B misdemeanor with the same penalty as the
12 unclassified misdemeanor in the pending charge or disposition if the required
13 appearance was in regard to a pending charge or disposition of an
14 unclassified misdemeanor either before or after a determination of guilt on
15 the charge; and

16 ~~(6)~~(8) Class C misdemeanor if the required appearance was in
17 regard to a pending charge or disposition of a violation either before or
18 after a determination of guilt of the charge.

19 *(d) This section does not apply to an order to appear imposed as a*
20 *condition of suspension or probation under § 5-4-303 ~~or an order to appear~~*
21 *~~issued before a revocation hearing under § 16-93-307.~~*

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23 /s/J. Hutchinson
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