

1 State of Arkansas
2 90th General Assembly
3 Regular Session, 2015
4

A Bill

HOUSE BILL 1467

5 By: Representative Wright
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For An Act To Be Entitled

8 AN ACT TO DEFINE THE TERM "PENDING CHARGE" AS IT
9 PERTAINS TO THE OFFENSE OF FAILURE TO APPEAR; AND FOR
10 OTHER PURPOSES.
11

Subtitle

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14 TO DEFINE THE TERM "PENDING CHARGE" AS IT
15 PERTAINS TO THE OFFENSE OF FAILURE TO
16 APPEAR.
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19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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21 SECTION 1. Arkansas Code § 5-54-120 is amended to read as follows:

22 5-54-120. Failure to appear.

23 (a) As used in this section, "pending charge" means a charge that
24 results from an arrest or after the filing of a criminal information or
25 indictment and that has not been resolved by acquittal, conviction,
26 dismissal, or nolle prosequi.

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

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

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

32 ~~(b)~~(c) Failure to appear is a:

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

36 (2) Class D felony if the required appearance was in regard to



1 an order to appear issued before a revocation hearing under § 16-93-307 and
2 the defendant was placed on probation or received a suspended sentence for a
3 felony offense;

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

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

10 (5) Class B misdemeanor if the required appearance was in regard
11 to a pending charge or disposition of a Class C misdemeanor charge either
12 before or after a determination of guilt of the Class C misdemeanor charge;

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

16 ~~(7)(6) Class B Unclassified misdemeanor with the same penalty as~~
17 ~~the unclassified misdemeanor in the pending charge or disposition if the~~
18 ~~required appearance was in regard to a pending charge or disposition of an~~
19 ~~unclassified misdemeanor either before or after a determination of guilt on~~
20 ~~the the unclassified misdemeanor charge; and~~

21 ~~(8)(7) Class C misdemeanor if the required appearance was in~~
22 ~~regard to a pending charge or disposition of a violation either before or~~
23 ~~after a determination of guilt of the violation charge.~~

24 ~~(e)(d)~~ This section does not apply to an order to appear imposed as a
25 condition of suspension or probation under § 5-4-303.

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