

1 State of Arkansas  
2 91st General Assembly  
3 Regular Session, 2017  
4

# A Bill

HOUSE BILL 2112

5 By: Representatives Walker, Ballinger  
6

## For An Act To Be Entitled

8 AN ACT CONCERNING A PERSON WHO FAILS TO APPEAR OR  
9 FAILS TO PAY A FINE; CONCERNING THE OFFENSE OF  
10 FAILURE TO APPEAR; CONCERNING COSTS, FINES, AND FEES  
11 ASSESSED TO A PERSON WHO IS INCARCERATED OR IN A  
12 HOSPITAL OR INPATIENT FACILITY; AND FOR OTHER  
13 PURPOSES.  
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## Subtitle

16 CONCERNING A PERSON WHO FAILS TO APPEAR  
17 OR FAILS TO PAY A FINE; CONCERNING THE  
18 OFFENSE OF FAILURE TO APPEAR; AND  
19 CONCERNING COSTS, FINES, AND FEES  
20 ASSESSED TO A PERSON WHO IS INCARCERATED  
21 OR IN A HOSPITAL OR INPATIENT FACILITY.  
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25 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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27 SECTION 1. Arkansas Code § 5-54-120 is amended to read as follows:  
28 5-54-120. Failure to appear.

29 (a) As used in this section:

30 (1) ~~“pending~~ “Pending charge” means a charge that results from an  
31 arrest or after the filing of a criminal information or indictment and that  
32 has not been resolved by acquittal, conviction, dismissal, or nolle prosequi;  
33 and

34 (2) “Reasonable cause” means that the person was unable to  
35 appear in court due to a cause that a reasonable person would find  
36 acceptable, including without limitation:



1                   (A) Incarceration; or

2                   (B) Admittance to an inpatient facility or hospital.

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

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

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

8           (c) Failure to appear is a:

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

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

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

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

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

25                   (6) Unclassified misdemeanor with the same penalty as the  
26 unclassified misdemeanor in the pending charge or disposition if the required  
27 appearance was in regard to a pending charge or disposition of an  
28 unclassified misdemeanor either before or after a determination of guilt on  
29 the unclassified misdemeanor charge; and

30                   (7) Class C misdemeanor if the required appearance was in regard  
31 to a pending charge or disposition of a violation either before or after a  
32 determination of guilt of the violation charge.

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

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36           SECTION 2. Arkansas Code Title 16, Chapter 92, is amended to add an

1 additional section to read as follows:

2 16-92-120. No warrant to issue from failure to pay court-ordered  
3 costs, fees, or fines while incarcerated or confined in a hospital or  
4 inpatient facility.

5 A court shall not issue an arrest warrant for a person for failure to  
6 pay court-ordered costs, fees, or fines for a conviction for a criminal  
7 offense while the person is:

8 (1) Incarcerated in a:

9 (A) Local or county jail;

10 (B) Facility operated by the Department of Community

11 Correction;

12 (C) Facility operated by the Department of Correction;

13 (D) Federal prison; or

14 (E) Federal immigration detention facility; or

15 (2) Confined to a hospital or an inpatient facility for a  
16 mental, physical, or emotional condition.

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