

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.

Act 1867 of the Regular Session

1 State of Arkansas  
2 85th General Assembly  
3 Regular Session, 2005  
4

As Engrossed: S3/29/05

**A Bill**

HOUSE BILL 2498

5 By: Representatives Rogers, Thompson  
6 By: Senators Critcher, Wooldridge  
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**For An Act To Be Entitled**

10 AN ACT TO *LIMIT* THE CLASSIFICATION REDUCTION  
11 PROVISION FOR CERTAIN PERSONS IN CASES OF  
12 HINDERING APPREHENSION OR PROSECUTION; AND FOR  
13 OTHER PURPOSES.  
14

**Subtitle**

15 AN ACT TO *LIMIT* THE CLASSIFICATION  
16 REDUCTION PROVISION FOR CERTAIN PERSONS  
17 IN CASES OF HINDERING APPREHENSION OR  
18 PROSECUTION.  
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22 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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24 SECTION 1. Arkansas Code § 5-54-105 is amended to read as follows:  
25 5-54-105. Hindering apprehension or prosecution.

26 (a) A person commits an offense under this section if, with purpose to  
27 hinder the apprehension, prosecution, conviction, or punishment of another  
28 for an offense, he or she:

29 (1) Harbors or conceals the person; ~~or~~

30 (2) Provides or aids in providing the person with a weapon,  
31 money, transportation, disguise, or other means of avoiding apprehension,  
32 discovery, or effecting escape; ~~or~~

33 (3) Prevents or obstructs anyone from performing an act which  
34 might aid in the discovery, apprehension, or identification of the person by  
35 means of force, intimidation, or the threat of such, or by means of



1 deception; ~~or~~

2 (4) Conceals, alters, destroys, or otherwise suppresses the  
3 discovery of any fact, information, or other thing related to the crime which  
4 might aid in the discovery, apprehension, or identification of the person; ~~or~~

5 (5) Warns the person of impending discovery, apprehension, or  
6 identification; ~~or~~

7 (6) Volunteers false information to a law enforcement officer;  
8 or

9 (7) Purposefully lies or attempts to purposefully provide  
10 erroneous information, documents or other instrumentalities which he or she  
11 knows to be false to a certified law enforcement officer that would distract  
12 from the true course of the investigation or inhibit the logical or orderly  
13 progress of the investigation.

14 (b)(1)(A) Hindering apprehension or prosecution is a Class B felony if  
15 the conduct of the person assisted in violation of this section constitutes a  
16 Class Y or Class A felony.

17 (B) ~~provided that~~ However, except as provided in  
18 subdivision (b)(2) of this section, if the defendant shows by a preponderance  
19 of the evidence that he or she stands to the person assisted in the relation  
20 of parent, child, brother, sister, ~~corresponding steprelationships of the~~  
21 ~~preceding~~, husband, or wife, hindering is a Class D felony.

22 (2) Subdivision (b)(1)(B) of this section shall not apply if the  
23 offense of the person assisted is:

24 (A) Capital murder, as prohibited in § 5-10-101;

25 (B) Murder in the first degree, as prohibited in §§ 5-10-  
26 102;

27 (C) Kidnapping, as prohibited in § 5-11-102; or

28 (D) Rape, as prohibited in § 5-14-103.

29 (c) Hindering apprehension or prosecution is a felony classified one  
30 (1) degree below the felony constituted by the conduct of the person assisted  
31 in violation of this section if such conduct is a Class B or C felony.

32 (d) Hindering apprehension or prosecution is a Class A misdemeanor if  
33 the conduct of the person assisted in violation of this section is a Class D  
34 felony or unclassified felony unless the person in violation of this section  
35 was assisting an escapee from correctional custody sentenced after being  
36 found guilty of a felony. If so, the violation of this section is a Class D

1 felony. Otherwise it is a misdemeanor classed one (1) degree below the  
2 misdemeanor constituted by the conduct of the person assisted in violation of  
3 this section.

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*/s/ Rogers*

**APPROVED: 04/08/2005**

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