

1 State of Arkansas
2 88th General Assembly
3 Regular Session, 2011
4

As Engrossed: H3/9/11
A Bill

SENATE BILL 307

5 By: Senators S. Flowers, Burnett, L. Chesterfield, Crumbly, J. Dismang, Elliott, S. Harrelson, J.
6 Hutchinson, D. Johnson, Madison, P. Malone, D. Wyatt
7 By: Representatives H. Wilkins, J. Edwards, Hall, Patterson, B. Wilkins, Wright, *Walker*
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9 **For An Act To Be Entitled**

10 AN ACT TO AMEND THE PENALTIES FOR FAILURE TO APPEAR;
11 TO DECLARE AN EMERGENCY; AND FOR OTHER PURPOSES.
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14 **Subtitle**

15 TO AMEND THE PENALTIES FOR FAILURE TO
16 APPEAR AND TO DECLARE AN EMERGENCY.
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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) A person commits the offense of failure to appear if he or she
24 fails to appear without reasonable excuse subsequent to having been:

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

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

28 (b) Failure to appear is a Class C felony ~~if the required appearance~~
29 ~~was to answer a charge of felony or for disposition of any felony charge~~
30 ~~either before or after a determination of guilt of the felony charge~~ if the
31 required appearance was in regard to a pending charge or disposition of a
32 felony charge either before or after a determination of guilt of the charge.

33 ~~(c)(1) Failure to appear is a Class A misdemeanor if the required~~
34 ~~appearance was to answer a charge of misdemeanor or for disposition of any~~
35 ~~misdemeanor charge either before or after a determination of guilt of the~~
36 ~~misdemeanor charge.~~



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

3 (c) Failure to appear is a:

4 (1) 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 charge;

7 (2) 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 charge;

10 (3) 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 charge;

13 (4) 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 (5) A Class B misdemeanor with the same penalty as the
17 unclassified misdemeanor in the pending charge or disposition if the required
18 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 charge; and

21 (6) A 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 charge.

24 (d) This section does not apply to an order to appear imposed as a
25 condition of suspension or probation ~~pursuant to~~ under § 5-4-303 or an order
26 to appear issued ~~prior to~~ before a revocation hearing ~~pursuant to~~ under § 5-
27 4-310.

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30 */s/S. Flowers*

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33 **APPROVED: 3/21/2011**

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