

State of Arkansas  
89th General Assembly  
Regular Session, 2013

As Engrossed: S3/21/13  
**A Bill**

SENATE BILL 1134

By: Senator J. Hutchinson

### For An Act To Be Entitled

AN ACT TO AMEND THE PENALTIES FOR THE CRIMINAL  
OFFENSE OF FAILURE TO APPEAR; AND FOR OTHER PURPOSES.

### Subtitle

TO AMEND THE PENALTIES FOR THE CRIMINAL  
OFFENSE OF FAILURE TO APPEAR.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

SECTION 1. Arkansas Code § 5-54-120 is amended to read as follows:  
5-54-120. Failure to appear.

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

(1) Cited or summonsed as an accused; or

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

(b) Failure to appear is a:

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

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

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

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



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

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

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

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

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

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

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

*/s/J. Hutchinson*

**APPROVED: 04/12/2013**