

State of Arkansas
90th General Assembly
Regular Session, 2015

A Bill

HOUSE BILL 1467

By: Representative Wright

For An Act To Be Entitled

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

Subtitle

TO DEFINE THE TERM "PENDING CHARGE" AS IT
PERTAINS TO THE 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) As used in this section, "pending charge" means a charge that results from an arrest or after the filing of a criminal information or indictment and that has not been resolved by acquittal, conviction, dismissal, or nolle prosequi.

~~(a)~~(b) 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)~~(c) 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 felony 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 received a suspended sentence for a felony offense;

(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 Class A misdemeanor charge;

(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 Class B misdemeanor charge;

(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 Class C misdemeanor charge;

~~(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;~~

~~(7)(6)~~ Class B Unclassified 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 the unclassified misdemeanor charge; and

~~(8)(7)~~ 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 violation charge.

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

APPROVED: 03/18/2015