1   State of Arkansas

2   87th General Assembly

A Bill

3   Regular Session, 2009   SENATE BILL 375

4

5   By: Senator J. Taylor

6   By: Representative Davenport

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9   **For An Act To Be Entitled**

10   AN ACT INCREASING THE PENALTY FOR ESCAPING FROM

11   THE CUSTODY OF THE DEPARTMENT OF CORRECTION, THE

12   DEPARTMENT OF COMMUNITY CORRECTION, OR A LAW

13   ENFORCEMENT AGENCY, AND FOR FURNISHING AN

14   IMPLEMENT FOR ESCAPE; AND FOR OTHER PURPOSES.

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16   **Subtitle**

17   AN ACT INCREASING THE PENALTY FOR

18   ESCAPING FROM THE CUSTODY OF THE

19   DEPARTMENT OF CORRECTION, THE DEPARTMENT

20   OF COMMUNITY CORRECTION, OR A LAW

21   ENFORCEMENT AGENCY, AND FOR FURNISHING

22   AN IMPLEMENT FOR ESCAPE.

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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 § 5-54-110 is amended to read as follows:

28   5-54-110. First degree escape.

29   (a) A person commits the offense of first degree escape if:

30   (1) At any time, including from the point of departure from

31   confinement to the return to confinement, aided by another person actually

32   present, he or she uses or threatens to use physical force in escaping from:

33   (A) Custody;

34   (B) A correctional facility;

35   (C) A juvenile detention facility; or

36   (D) A youth services program; or

1   (2) At any time, including from the point of departure from
2 confinement to the return to confinement, he or she uses or threatens to use
3 a deadly weapon in escaping from:
4   (A) Custody;
5   (B) A correctional facility;
6   (C) A juvenile detention facility; or
7   (D) A youth services program.
8   (b)(1) First degree escape is a Class ~~G~~ <u>A</u> felony <u>if, at the time of</u>
9 <u>the escape, the person is in the custody of:</u>
10   <u>(A) The Department of Correction;</u>
11   <u>(B) The Department of Community Correction; or</u>
12   <u>(C) A law enforcement agency.</u>
13   <u>(2) Otherwise first degree escape is a Class C felony</u>.
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15   SECTION 2. Arkansas Code § 5-54-111 is amended to read as follows:
16   5-54-111. Second degree escape.
17   (a) A person commits the offense of second degree escape if he or she:
18   (1) At any time, including from the point of departure from
19 confinement to the return to confinement, uses or threatens to use physical
20 force in escaping from custody;
21   (2) Having been found guilty of a felony, escapes from custody;
22   (3) Escapes from a correctional facility;
23   (4) Escapes from a juvenile detention facility; or
24   (5) Escapes from a youth services program.
25   (b)(1) Second degree escape is a Class ~~D~~ <u>B</u> felony <u>if, at the time of</u>
26 <u>the escape, the person is in the custody of:</u>
27   <u>(A) The Department of Correction;</u>
28   <u>(B) The Department of Community Correction; or</u>
29   <u>(C) A law enforcement agency.</u>
30   <u>(2) Otherwise second degree escape is a Class D felony.</u>
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32   SECTION 3. Arkansas Code § 5-54-112 is amended to read as follows:
33   5-54-112. Third degree escape.
34   (a) A person commits the offense of third degree escape if he or she
35 escapes from custody.
36   (b) It is a defense to a prosecution under this section that the

1 person escaping was in custody pursuant to an unlawful arrest.

2   (c)(1) Third degree escape is a Class ~~A misdemeanor~~ C felony if, at

3 the time of the escape, the person is in the custody of:

4   (A) The Department of Correction;

5   (B) The Department of Community Correction; or

6   (C) A law enforcement agency.

7   (2) Otherwise third degree escape is a Class A misdemeanor.

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9   SECTION 4. Arkansas Code § 5-54-117 is amended to read as follows:

10   5-54-117. ~~Furnishing~~ Assisting in or furnishing an implement for

11 escape.

12   (a) A person commits the offense of assisting in or furnishing an

13 implement for escape if, with the purpose of facilitating escape, he or she:

14   (1) Introduces an implement for escape into a correctional

15 facility;

16   (2) Provides an inmate in a correctional facility with an

17 implement for escape; ~~or~~

18   (3) Provides a person in custody with an implement for escape~~.~~;

19   (4) Provides transportation of any kind that is used in the

20 commission or furtherance of an escape from a correctional facility;

21   (5) Furnishes food, clothing, finances, or other aid to a person

22 who escaped from a correctional facility; or

23   (6) Provides shelter or housing to a person who escaped from a

24 correctional facility.

25   (b)(1) Furnishing an implement for escape is a Class ~~C~~ B felony if the

26 implement for escape provided is a deadly weapon.

27   (2) Otherwise~~,~~ furnishing an implement for escape is a Class ~~D~~ C

28 felony.

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