

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.