

Stricken language would be deleted from and underlined language would be added to present law.

State of Arkansas  
91st General Assembly  
Regular Session, 2017

# A Bill

HOUSE BILL 2112

By: Representatives Walker, Ballinger

## For An Act To Be Entitled

AN ACT CONCERNING A PERSON WHO FAILS TO APPEAR OR FAILS TO PAY A FINE; CONCERNING THE OFFENSE OF FAILURE TO APPEAR; CONCERNING COSTS, FINES, AND FEES ASSESSED TO A PERSON WHO IS INCARCERATED OR IN A HOSPITAL OR INPATIENT FACILITY; AND FOR OTHER PURPOSES.

## Subtitle

CONCERNING A PERSON WHO FAILS TO APPEAR OR FAILS TO PAY A FINE; CONCERNING THE OFFENSE OF FAILURE TO APPEAR; AND CONCERNING COSTS, FINES, AND FEES ASSESSED TO A PERSON WHO IS INCARCERATED OR IN A HOSPITAL OR INPATIENT FACILITY.

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:

(1) ~~“pending~~ “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; and

(2) “Reasonable cause” means that the person was unable to appear in court due to a cause that a reasonable person would find acceptable, including without limitation:



(A) Incarceration; or

(B) Admittance to an inpatient facility or hospital.

(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.

(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) 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 unclassified misdemeanor charge; and

(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.

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

SECTION 2. Arkansas Code Title 16, Chapter 92, is amended to add an

additional section to read as follows:

16-92-120. No warrant to issue from failure to pay court-ordered costs, fees, or fines while incarcerated or confined in a hospital or inpatient facility.

A court shall not issue an arrest warrant for a person for failure to pay court-ordered costs, fees, or fines for a conviction for a criminal offense while the person is:

(1) Incarcerated in a:

(A) Local or county jail;

(B) Facility operated by the Department of Community

Correction;

(C) Facility operated by the Department of Correction;

(D) Federal prison; or

(E) Federal immigration detention facility; or

(2) Confined to a hospital or an inpatient facility for a mental, physical, or emotional condition.