



# ARKANSAS SENTENCING COMMISSION

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## Impact Assessment for HB1088 Sponsored by Representative M. Berry

**Subtitle** TO AMEND THE DEFINITIONS USED IN RELATION TO THE OFFENSE OF THREATENING A JUDICIAL OFFICIAL OR JUROR

**Impact Summary**<sup>1</sup> Minimal, affecting fewer than ten offenders per year.

**Change from Current Law**<sup>2</sup> Amends Arkansas Code Annotated § 5-53-201, Definitions. Under the proposed bill, (1) immediate family is amended to include the *parent* of a judicial official or juror, and (2) judicial official is amended to include *prosecuting attorney or deputy prosecuting attorney*. [New language indicated by *italics*.] A.C.A. § 5-53-201, Definitions defines terms used in the criminal offense, A.C.A. § 5-53-202, Threatening a judicial official or juror – Penalty. [See attached for a reproduction of both code sections].

**Impact Information** The proposed bill amends the definition of immediate family to include parents and amends the definition of judicial official or juror to include prosecuting attorneys or deputy prosecuting attorneys. The Administrative Office of the Courts reports that for the three (3) year period beginning January 1, 2020 and ending December 31, 2022, there were three (3) convictions for a violation of A.C.A. § 5-53-202, Threatening a judicial official or juror – Penalty. The Arkansas Division of Correction (ADC) reports that as of December 2, 2022, there were two (2) inmates serving a term of incarceration for a violation of A.C.A. § 5-53-202, Threatening a judicial official or juror – Penalty. Of these, one (1) inmate was serving a term of incarceration for which A.C.A. § 5-53-202 is the primary offense. Available data indicates fewer than ten offenders are affected. For this reason, the projected impact of the proposed bill is minimal.

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<sup>1</sup> This impact assessment was prepared 1/18/2023 8:16 AM by the staff of the Arkansas Sentencing Commission pursuant to A. C. A. § 16-90-802(d)(6) with data supplied by the Department of Corrections and the Administrative Office of the Courts. A micro-simulation model may be used for bills which have the potential for significant impact on correctional resources. The following designations will be used: “minimal” = less than 10 offenders per year will be affected; “medium” = would require budgetary increases for ADC costs; and “major” = would require budgetary increases for ADC costs and construction costs for additional beds.

<sup>2</sup> Standard punishment ranges:

Class Y 10-40 years or life  
Class A 6-30 years; up to \$15,000  
Class B 5-20 years; up to \$15,000

Class C 3-10 years; up to \$10,000  
Class D 0-6 years; up to \$10,000  
Unclassified As specified in statute

Misdemeanors  
Class A Up to 1 year; up to \$2,500  
Class B Up to 90 days; up to \$1,000  
Class C Up to 30 days; up to \$500

**A.C.A. § 5-53-201. Definitions.**

As used in this subchapter:

- (1) "Immediate family" means the spouse or child of a judicial official or juror;
- (2) "Judicial official" means any:
  - (A) District judge, circuit judge, or Court of Appeals judge;
  - (B) Supreme Court Justice; or
  - (C) Person authorized to hear evidence under oath; and
- (3) "Juror" means any citizen of the state impaneled as a grand juror or petit juror.

**History**

Acts 2003, No. 1313, § 1.

**A.C.A. § 5-53-202. Threatening a judicial official or juror — Penalty.**

(a) A person commits the offense of threatening a judicial official or juror if the person directly or indirectly utters or otherwise makes a threat toward another person whom the person knows or should know to be a:

- (1) Judicial official;
- (2) Juror; or
- (3) Member of the immediate family of a judicial official or juror.

(b)

- (1) Threatening a judicial official or juror is a Class B felony if the person threatens:
  - (A) To cause death or serious physical injury to a judicial official, juror, or any member of a judicial official's or juror's immediate family; or
  - (B) Substantial damage to property owned or possessed by a judicial official, juror, or any member of a judicial official's or juror's immediate family.
- (2) Threatening a judicial official or juror is a Class C felony if the person threatens:
  - (A) To cause physical injury to a judicial official, juror, or any member of a judicial official's or juror's immediate family; or
  - (B) Damage to property owned or possessed by a judicial official, juror, or any member of a judicial official's or juror's immediate family.

(c) It is an affirmative defense to any prosecution under this subchapter that at the time the defendant engaged in the conduct, the threat did not relate to the person's status or actions as a:

- (1) Judicial official;
- (2) Juror; or
- (3) Member of the immediate family of a judicial official or juror.

**History**

Acts 2003, No. 1313, § 2.