

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

1 State of Arkansas  
2 84th General Assembly  
3 Regular Session, 2003

# A Bill

HOUSE BILL 1478

4  
5 By: Representative Martin  
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## For An Act To Be Entitled

8  
9 AN ACT TO ENHANCE THE PENALTIES OF ENDANGERING  
10 THE WELFARE OF A MINOR; AND FOR OTHER PURPOSES.  
11

## Subtitle

12  
13 AN ACT TO ENHANCE THE PENALTIES OF  
14 ENDANGERING THE WELFARE OF A MINOR.  
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17 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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19 SECTION 1. Arkansas Code § 5-27-203 is amended to read as follows:  
20 5-27-203. Endangering welfare of minor - First degree.

21 (a) A person commits the offense of endangering the welfare of a minor  
22 in the first degree if, he or she purposely:

23 (1) Engages in conduct creating a substantial risk of death or  
24 serious physical injury to a minor; or

25 (2) ~~being~~ Being a parent, guardian, person legally charged with  
26 care or custody of a minor, or a person charged with supervision of a minor,  
27 ~~he purposely~~ deserts a minor less than ~~ten (10)~~ twelve (12) years old under  
28 circumstances creating a substantial risk of death or serious physical  
29 injury.

30 (b)(1) Endangering the welfare of a minor in the first degree is a  
31 Class ~~D~~ C felony.

32 (2) Endangering the welfare of a minor in the first degree is a  
33 Class B felony if within the past five (5) years the person:

34 (A) Plead guilty or nolo contendere to, or has been found  
35 guilty of:

36 (i) Endangering the welfare of a minor in the first



1 degree;

2 (ii) Endangering the welfare of a minor in the  
3 second degree; or

4 (iii) Endangering the welfare of a minor in the third  
5 degree; or

6 (B) Violated an equivalent penal law of another state or  
7 foreign jurisdiction.

8 (c)(1) It shall be an affirmative defense to prosecution under this  
9 section that the parent voluntarily delivered the child to and left the child  
10 with, or voluntarily arranged for another person to deliver the child to and  
11 leave the child with, a medical provider or law enforcement agency as  
12 provided in § 9-34-201 et seq.

13 (2) Nothing in subdivision (c)(1) of this section shall be  
14 construed to create a defense to any prosecution arising from any conduct  
15 other than the act of delivering the child as described above, and  
16 subdivision (c)(1) of this section specifically shall not constitute a  
17 defense to any prosecution arising from an act of abuse or neglect committed  
18 prior to the delivery of the child to a medical provider or law enforcement  
19 agency as provided in § 9-34-201 et seq.

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21 SECTION 2. Arkansas Code § 5-27-204 is amended to read as follows:

22 5-27-204. Endangering welfare of minor - Second degree.

23 (a) A person commits the offense of endangering the welfare of a minor  
24 in the second degree if he knowingly engages in conduct creating a  
25 substantial risk of serious harm to the physical or mental welfare of one  
26 known by the actor to be a minor.

27 (b)(1) Endangering the welfare of a minor in the second degree is a  
28 Class A ~~misdemeanor~~ D felony.

29 (2) Endangering the welfare of a minor in the second degree is a  
30 Class C felony if within the past five (5) years the person:

31 (A) Plead guilty or nolo contendere to, or has been found  
32 guilty of:

33 (i) Endangering the welfare of a minor in the first  
34 degree;

35 (ii) Endangering the welfare of a minor in the  
36 second degree; or

1                   (iii) Endangering the welfare of a minor in the third  
2 degree; or

3                   (B) Violated an equivalent penal law of another state or  
4 foreign jurisdiction.

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6           SECTION 3. (a) A person commits the offense of endangering the  
7 welfare of a minor in the third degree if the person recklessly engages in  
8 conduct creating a substantial risk of serious harm to the physical or mental  
9 welfare of one known by the actor to be a minor.

10           (b)(1) Endangering the welfare of a minor in the third degree is a  
11 Class A misdemeanor.

12           (2) Endangering the welfare of a minor in the third degree is a  
13 Class D felony if within the past five (5) years the person:

14           (A) Plead guilty or nolo contendere to, or has been found  
15 guilty of:

16                   (i) Endangering the welfare of a minor in the first  
17 degree;

18                   (ii) Endangering the welfare of a minor in the  
19 second degree; or

20                   (iii) Endangering the welfare of a minor in the third  
21 degree; or

22           (B) Violated an equivalent penal law of another state or  
23 foreign jurisdiction.

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