## 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	As Engrossed: H3/21/03	
2	84th General Assembly	A Bill	
3	Regular Session, 2003		HOUSE BILL 1589
4			
5	By: Representative Martin		
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8		For An Act To Be Entitled	
9	AN ACT TO ENHANCE THE PENALTIES FOR ENDANGERING		
10	THE WEL	FARE OF AN INCOMPETENT PERSON; AND	FOR
11	OTHER P	URPOSES.	
12			
13		Subtitle	
14	AN A	CT TO ENHANCE THE PENALTIES FOR	
15	ENDA	NGERING THE WELFARE OF AN	
16	INCO	MPETENT PERSON.	
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18			
19	BE IT ENACTED BY THE (	GENERAL ASSEMBLY OF THE STATE OF ARI	KANSAS:
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21	SECTION 1. Arka	ansas Code $\S$ 5-27-201 is amended to	read as follows:
22	5-27-201. Endang	gering welfare of incompetent person	n - First degree.
23	(a) A person co	ommits the offense of endangering tl	he welfare of an
24	incompetent person in	the first degree if, he or she pur	posely:
25	<u>(1) Engag</u>	ges in conduct creating a substantia	al risk of death or
26	serious physical inju	ry to an incompetent person ; or	
27	<u>(2)</u> <del>being</del>	g <u>Being</u> a parent, guardian, person i	legally charged with
28	care or custody of an	incompetent person, or a person cha	arged with
29	supervision of an inco	ompetent person, he <u>or she</u> purposely	y deserts the
30	incompetent person und	der circumstances creating a substan	ntial risk of death
31	or serious physical in	njury.	
32	(b)(1) Endangering the welfare of an incompetent person in the first		
33	degree is a Class $ ilde{ t D}$ felony.		
34	<u>(2) Endar</u>	ngering the welfare of an incompeter	nt person in the
35	first degree is a Class B felony if, for conduct which occurred within the		
36	five (5) years preced	ing the commission of the current o	ffense, the:

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I	person:		
2	(A) Plead guilty or nolo contendere to, or has been found		
3	guilty of:		
4	(i) Endangering the welfare of an incompetent person		
5	in the first degree;		
6	(ii) Endangering the welfare of an incompetent		
7	person in the second degree;		
8	(iii) Endangering the welfare of an incompetent		
9	person in the third degree; or		
10	(B) Violated an equivalent penal law of another state or		
11	foreign jurisdiction.		
12			
13	SECTION 2. Arkansas Code § 5-27-202 is amended to read as follows:		
14	5-27-202. Endangering welfare of incompetent person - Second degree.		
15	(a) A person commits the offense of endangering the welfare of an		
16	incompetent person in the second degree if he knowingly engages in conduct		
17	creating a substantial risk of serious harm to the physical or mental welfar		
18	of one known by the actor to be an incompetent person.		
19	(b) $\underline{(1)}$ Endangering the welfare of an incompetent person in the second		
20	degree is a Class <del>A misdemeanor</del> <u>D felony</u> .		
21	(2) Endangering the welfare of an incompetent person in the		
22	second degree is a Class C felony if, for conduct which occurred within the		
23	five (5) years preceding the commission of the current offense, the:		
24	person:		
25	(A) Plead guilty or nolo contendere to, or has been found		
26	guilty of:		
27	(i) Endangering the welfare of an incompetent person		
28	in the first degree;		
29	(ii) Endangering the welfare of an incompetent		
30	person in the second degree;		
31	(iii) Endangering the welfare of an incompetent		
32	person in the third degree; or		
33	(B) Violated an equivalent penal law of another state or		
34	foreign jurisdiction.		
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36	SECTION 3. Endangering welfare of incompetent person - Third degree.		

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1	(a) A name a committee the effects of and analysing the velfage of an		
1	(a) A person commits the offense of endangering the welfare of an		
2	incompetent person in the third degree if he of she recklessly engages in		
3	conduct creating a substantial risk of serious harm to the physical or mental		
4 5	welfare of one known by the actor to be an incompetent person.		
_	(b)(1) Endangering the welfare of an incompetent person in the third degree is a Class A misdemeanor.		
6 7	(2) Endangering the welfare of an incompetent person in the		
8	third degree is a Class D felony if, for conduct which occurred within the		
9	five (5) years preceding the commission of the current offense, the:		
10	person:		
11	(A) Plead guilty or nolo contendere to, or has been found		
12	guilty of:		
13	(i) Endangering the welfare of an incompetent person		
14	in the first degree;		
15	(ii) Endangering the welfare of an incompetent		
16	person in the second degree;		
17	(iii) Endangering the welfare of an incompetent		
18	person in the third degree; or		
19	(B) Violated an equivalent penal law of another state or		
20	foreign jurisdiction.		
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22	/s/ Martin		
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