

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
4

As Engrossed: H3/21/03 S4/15/03

A Bill

HOUSE BILL 1589

5 By: Representative Martin
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For An Act To Be Entitled

9 AN ACT TO ENHANCE THE PENALTIES FOR ENDANGERING
10 THE WELFARE OF AN INCOMPETENT PERSON; AND FOR
11 OTHER PURPOSES.
12

Subtitle

13 AN ACT TO ENHANCE THE PENALTIES FOR
14 ENDANGERING THE WELFARE OF AN
15 INCOMPETENT PERSON.
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19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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21 SECTION 1. Arkansas Code § 5-27-201 is amended to read as follows:

22 5-27-201. Endangering welfare of incompetent person - First degree.

23 (a) A person commits the offense of endangering the welfare of an
24 incompetent person in the first degree if, he or she purposely:

25 (1) Engages in conduct creating a substantial risk of death or
26 serious physical injury to an incompetent person ; or

27 (2) being Being a parent, guardian, person legally charged with
28 care or custody of an incompetent person, or a person charged with
29 supervision of an incompetent person, he or she purposely deserts the
30 incompetent person under circumstances creating a substantial risk of death
31 or serious physical injury.

32 (b)(1) Endangering the welfare of an incompetent person in the first
33 degree is a *Class D felony*.

34 (2) Endangering the welfare of an incompetent person in the
35 first degree is a Class C felony if, for conduct which occurred within the
36 five (5) years preceding the commission of the current offense, the:



1 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.

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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 welfare
18 of one known by the actor to be an incompetent person.

19 (b)(1) Endangering the welfare of an incompetent person in the second
20 degree is a *Class A misdemeanor*.

21 (2) Endangering the welfare of an incompetent person in the
22 second degree is a Class D 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.

1 (a) A person commits the offense of endangering the welfare of an
2 incompetent person in the third degree if he or she recklessly engages in
3 conduct creating a substantial risk of serious harm to the physical or mental
4 welfare of one known by the actor to be an incompetent person.

5 (b)(1) Endangering the welfare of an incompetent person in the third
6 degree is a Class B misdemeanor.

7 (2) Endangering the welfare of an incompetent person in the
8 third degree is a Class A misdemeanor if, for conduct which occurred within
9 the 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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