

1 State of Arkansas  
2 88th General Assembly  
3 Regular Session, 2011  
4  
5 By: Representative Post

# A Bill

HOUSE BILL 1866

## For An Act To Be Entitled

8 AN ACT TO CREATE THE OFFENSE OF SMOTHERING OR  
9 STRANGULATION; AND FOR OTHER PURPOSES.

### Subtitle

12 TO CREATE THE OFFENSE OF SMOTHERING OR  
13 STRANGULATION.

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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 § 5-13-205 is amended to read as follows:  
20 5-13-205. Assault in the first degree.

21 (a) A person commits assault in the first degree if he or she+

22 ~~(1) Recklessly~~ recklessly engages in conduct that creates a  
23 substantial risk of death or serious physical injury to another person; ~~or,~~

24 ~~(2) Purposely impedes or prevents the respiration of another~~  
25 ~~person or the circulation of another person's blood by applying pressure on~~  
26 ~~the throat or neck or by blocking the nose or mouth of the other person.~~

27 (b) Assault in the first degree is a Class A misdemeanor.

28 ~~(c) It is a defense to prosecution under subdivision (a)(2) of this~~  
29 ~~section if the other person consented to the impeding or prevention of his or~~  
30 ~~her respiration or circulation of blood.~~

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32 SECTION 2. Arkansas Code Title 5, Chapter 13, Subchapter 2 is amended  
33 to create a new section to read as follows:

34 5-13-212. Smothering or strangulation.

35 (a)(1) A person commits smothering or strangulation in the first  
36 degree if he or she purposely and with extreme indifference to the value of



1 human life impedes or prevents the respiration of another person or the  
 2 circulation of another person's blood by applying pressure on the throat or  
 3 neck or by blocking the nose or mouth of the other person.

4 (2) Smothering or strangulation in the first degree is a Class C  
 5 felony.

6 (b)(1) A person commits smothering or strangulation in the second  
 7 degree if he or she purposely impedes or prevents the respiration of another  
 8 person or the circulation of another person's blood by applying pressure on  
 9 the throat or neck or by blocking the nose or mouth of the other person.

10 (2) Smothering or strangulation in the second degree is a Class  
 11 A misdemeanor.

12 (3) It is a defense to prosecution under subdivision (b)(1) of  
 13 this section if the other person consented to the impeding or prevention of  
 14 his or her respiration or circulation of blood.

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