

1 State of Arkansas
2 91st General Assembly
3 Regular Session, 2017
4

As Engrossed: H1/19/17 S2/16/17

A Bill

HOUSE BILL 1172

5 By: Representatives Tosh, Drown, Ballinger, Baltz, Barker, Beck, Bentley, Bragg, Brown, Coleman,
6 Collins, Davis, Dotson, C. Douglas, Eaves, K. Ferguson, Fielding, C. Fite, L. Fite, Gates, Gazaway, M.
7 Gray, Hammer, Henderson, Hillman, G. Hodges, Holcomb, Hollowell, House, Ladyman, Lemons,
8 Lundstrum, G. McGill, Nicks, Payton, Petty, Richmond, Rushing, Rye, B. Smith, Speaks, Sturch,
9 Sullivan, Wardlaw
10 By: Senators G. Stubblefield, B. Johnson
11

For An Act To Be Entitled

12 AN ACT CREATING A SENTENCE ENHANCEMENT FOR CERTAIN
13 CRIMINAL OFFENSES TARGETING A CURRENT OR FORMER LAW
14 ENFORCEMENT OFFICER, FIRST RESPONDER, OR A FAMILY
15 MEMBER OF A CURRENT OR FORMER LAW ENFORCEMENT OFFICER
16 OR FIRST RESPONDER; TO DECLARE AN EMERGENCY; AND FOR
17 OTHER PURPOSES.
18

Subtitle

19 CREATING A SENTENCE ENHANCEMENT FOR
20 CERTAIN CRIMINAL OFFENSES TARGETING A
21 CURRENT OR FORMER LAW ENFORCEMENT
22 OFFICER, FIRST RESPONDER, OR HIS OR HER
23 FAMILY; AND TO DECLARE AN EMERGENCY.
24
25
26
27
28

29 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

30 SECTION 1. DO NOT CODIFY. Legislative intent.

31 (a) The General Assembly finds that there are a number of criminal
32 offenses that have heightened or enhanced sentences when the victim is a law
33 enforcement officer or first responder as opposed to if the victim of a
34 similar criminal offense were just a member of the public at large.

35 (b) The sentence enhancement under Section 3 of this act is not
36



1 intended to apply to criminal offenses against a law enforcement officer or
2 first responder when the criminal offenses already provide for a heightened
3 or enhanced sentence because the victim is a law enforcement officer or first
4 responder.

5 (c) Therefore, it is the intent of the General Assembly that
6 subsection (d) of Section 3 of this act prohibits a sentence enhancement
7 under Section 3 of this act when the victim of the criminal offense is a law
8 enforcement officer or first responder and the criminal offense for which the
9 defendant was charged could only be committed against a law enforcement
10 officer or first responder.

11
12 SECTION 2. Arkansas Code § 5-4-701, concerning definitions, is amended
13 to add additional subdivisions to read as follows:

14 (3) "Family member of a current or former law enforcement
15 officer or first responder" means the husband, wife, son, daughter, brother,
16 sister, or parent of a current or former law enforcement officer or first
17 responder;

18 (4) "First responder" means a firefighter or a person employed
19 as an emergency medical provider; and

20 (5) "Law enforcement officer" includes without limitation a:

21 (A) Prosecuting attorney or a deputy prosecuting attorney;

22 (B) Code enforcement officer; and

23 (C) Corrections officer.

24
25 SECTION 3. Arkansas Code Title 5, Chapter 4, Subchapter 7, is amended
26 to add an additional section to read as follows:

27 5-4-704. Sentence enhancement for offense targeting current or former
28 law enforcement officer, first responder, or family member of current or
29 former law enforcement officer or first responder.

30 (a) A person is subject to an enhanced sentence under this section if
31 the person purposely selected the victim of an offense committed by the
32 person because the victim is:

33 (1) Currently employed or was formerly employed as a law
34 enforcement officer or first responder; or

35 (2) A family member of a current or former law enforcement
36 officer or first responder.

1 (b) If a sentence enhancement is sought under this section, the
2 information or indictment shall include:

3 (1) That the sentence enhancement under this section is being
4 sought; and

5 (2) The allegations supporting the imposition of the enhanced
6 sentence under this section.

7 (c) The sentence enhancement under this section is as follows:

8 (1) If the person is convicted of a Class A misdemeanor or an
9 unclassified misdemeanor with a possible sentence greater than ninety (90)
10 days' imprisonment, an additional period of imprisonment of not more than one
11 (1) year;

12 (2) If the person is convicted of a Class C felony, Class D
13 felony, or an unclassified felony, an additional period of imprisonment of at
14 least six (6) months but no more than two (2) years; and

15 (3) If the person is convicted of a Class Y felony, Class A
16 felony, or Class B felony, an additional period of imprisonment of at least
17 two (2) years but no more than ten (10) years.

18 (d) The sentence enhancement under this section is not applicable if:

19 (1) The victim of the offense is a law enforcement officer or
20 first responder; and

21 (2) An element of the underlying offense is that the victim is a
22 law enforcement officer or first responder.

23
24 SECTION 4. EMERGENCY CLAUSE. It is found and determined by the
25 General Assembly of the State of Arkansas that current and former law
26 enforcement officers, first responders, and their family members are
27 oftentimes specifically targeted for a criminal offense based on who they are
28 and the dangerous and necessary job that law enforcement officers and first
29 responders do; that persons who commit offenses targeted at current and
30 former law enforcement officers, first responders, or their family members
31 should be sentenced more harshly than is currently provided for in the law;
32 and that this act is immediately necessary because a message needs to be sent
33 that the State of Arkansas does not condone the targeting of current and
34 former law enforcement officers, first responders, or their family members
35 for criminal activity. Therefore, an emergency is declared to exist, and this
36 act being immediately necessary for the preservation of the public peace,

1 health, and safety shall become effective on:

2 (1) The date of its approval by the Governor;

3 (2) If the bill is neither approved nor vetoed by the Governor,
4 the expiration of the period of time during which the Governor may veto the
5 bill; or

6 (3) If the bill is vetoed by the Governor and the veto is
7 overridden, the date the last house overrides the veto.

8

9

/s/Tosh

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28

29

30

31

32

33

34

35

36