

1 State of Arkansas  
2 92nd General Assembly  
3 Regular Session, 2019  
4

As Engrossed: S1/31/19 H3/13/19

# A Bill

SENATE BILL 109

5 By: Senator Irvin  
6 By: Representative Murdock  
7

## For An Act To Be Entitled

9 AN ACT TO AMEND THE OFFENSE OF BATTERY IN THE FIRST  
10 DEGREE; TO DECLARE AN EMERGENCY; AND FOR OTHER  
11 PURPOSES.  
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### Subtitle

15 TO AMEND THE OFFENSE OF BATTERY IN THE  
16 FIRST DEGREE; AND TO DECLARE AN  
17 EMERGENCY.  
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20 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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22 SECTION 1. Arkansas Code § 5-13-201(c), concerning the penalties for  
23 the offense of battery in the first degree, is amended to read as follows:

24 (c)(1) Except as provided in subdivisions (c)(2) and (3) of this  
25 section, battery in the first degree is a Class B felony.

26 (2) Battery in the first degree is a Class Y felony under the  
27 circumstances described in subdivision (a)(9) of this section.

28 (3) Battery in the first degree is a Class Y felony if the  
29 injured person is a law enforcement officer or an employee of a correctional  
30 facility, and is acting in the line of duty.

31 (d) As used in this section, "employee of a correctional facility"  
32 means a person who is employed by or working under a professional services  
33 contract with the Department of Correction or the Department of Community  
34 Correction.  
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36 SECTION 2. EMERGENCY CLAUSE. It is found and determined by the



1 General Assembly of the State of Arkansas that employees employed by, or who  
2 are working under a professional services contract with, the Department of  
3 Correction, the Department of Community Correction, or the Division of Youth  
4 Services of the Department of Human Services are some of the most vulnerable  
5 of all state employees given their close proximity to persons already  
6 convicted of a felony offense; that violence against these employees should  
7 not be tolerated; and that this act is immediately necessary because  
8 protecting correctional employees from violence in the workplace is a  
9 priority of the state. Therefore, an emergency is declared to exist, and this  
10 act being immediately necessary for the preservation of the public peace,  
11 health, and safety shall become effective on:

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

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

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

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20 /s/Irvin  
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