

As Engrossed: 4/7/95

1 **State of Arkansas**
2 **80th General Assembly**
3 **Regular Session, 1995**
4 **By: Representative Vess**

A Bill

ACT 1305 OF 1995
HOUSE BILL 2012

For An Act To Be Entitled

8 "AN ACT TO AMEND ARKANSAS CODE ANNOTATED §§ 5-13-201 AND
9 5-13-202 TO FURTHER DEFINE THE OFFENSES OF BATTERY IN THE
10 FIRST AND SECOND DEGREES; AND FOR OTHER PURPOSES."

Subtitle

13 "TO FURTHER DEFINE THE OFFENSES OF
14 BATTERY IN THE FIRST AND SECOND DEGREES"

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

18 SECTION 1. Arkansas Code Annotated § 5-13-201 is amended to read as
19 follows:

20 "5-13-201. Battery in the first degree.

21 (a) A person commits battery in the first degree if:

22 (1) With the purpose of causing serious physical injury to
23 another person, he causes serious physical injury to any person by means of a
24 deadly weapon; or with the purpose of causing physical injury to another
25 person he causes physical injury to any person by means of a firearm; or

26 (2) With the purpose of seriously and permanently disfiguring
27 another person or of destroying, amputating, or permanently disabling a member
28 or organ of his body, he causes such an injury to any person; or

29 (3) He causes serious physical injury to another person under
30 circumstances manifesting extreme indifference to the value of human life; or

31 (4) Acting alone or with one (1) or more other persons, he
32 commits or attempts to commit a felony, and in the course of and in
33 furtherance of the felony, or in immediate flight therefrom:

34 (A) He or an accomplice causes serious physical injury to
35 any person under circumstances manifesting extreme indifference to the value
36 of human life; or

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1 (B) Another person who is resisting the offense or flight
2 causes serious physical injury to any person; or

3 (5) (A) He causes physical injury to a pregnant woman in the
4 commission of a felony or a Class A misdemeanor causing her to suffer a
5 miscarriage or stillbirth as a result of that injury; or

6 (B) He recklessly causes physical injury to a pregnant
7 woman or causes physical injury to a pregnant woman under circumstances
8 manifesting extreme indifference to the value of human life causing her to
9 suffer a miscarriage or stillbirth as a result of that injury.

10 (C) As used in subdivision (a) (5), unless the context
11 otherwise requires:

12 (i) Physical injury means the impairment of
13 physical condition, including, but not limited to, the inability to complete a
14 full-term pregnancy, as defined by the pregnant woman's physician, or the
15 infliction of substantial pain;

16 (ii) Miscarriage means the interruption of the
17 normal development of the fetus, other than by a live birth and which is not
18 an induced abortion, resulting in the complete expulsion or extraction of a
19 fetus from a pregnant woman; and

20 (iii) Stillbirth means the death of a fetus prior
21 to the complete expulsion or extraction from its mother, irrespective of the
22 duration of pregnancy and which is not an induced abortion; and death is
23 manifested by the fact that after the expulsion or extraction, the fetus does
24 not breathe spontaneously or show other evidence of life such as heart beat,
25 pulsation of the umbilical cord, or definite movement of voluntary muscles.

26 (b) It is an affirmative defense in any prosecution under subdivision
27 (a) (4) of this section in which the defendant was not the only participant
28 that the defendant:

29 (1) Did not commit the battery or in any way solicit, command,
30 induce, procure, counsel, or aid its commission; and

31 (2) Was not armed with a deadly weapon; and

32 (3) Reasonably believed that no other participant was armed with
33 a deadly weapon; and

34 (4) Reasonably believed that no other participant intended to
35 engage in conduct which could result in serious physical injury.

1 (c) Battery in the first degree is a Class B felony."
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4 SECTION 2. Arkansas Code Annotated § 5-13-202 is amended to read as
5 follows:

6 "5-13-202. Battery in the second degree.

7 (a) A person commits battery in the second degree if:

8 (1) With the purpose of causing physical injury to another
9 person, he causes serious physical injury to any person;

10 (2) With the purpose of causing physical injury to another
11 person, he causes physical injury to any person by means of a deadly weapon
12 other than a firearm;

13 (3) He recklessly causes serious physical injury to another
14 person by means of a deadly weapon; or

15 (4) He intentionally or knowingly without legal justification
16 causes physical injury to one he knows to be:

17 (A) A law enforcement officer or fire fighter, while such
18 officer or fire fighter is acting in the line of duty;

19 (B) A teacher or other person employed in any school, and
20 the teacher or other employee is upon the grounds of the school or grounds
21 adjacent thereto or is in any part of a building used for school purposes;

22 (C) An individual sixty (60) years of age or older or
23 twelve (12) years of age or younger;

24 (D) An officer or employee of the state while the officer
25 or employee is acting in the performance of his lawful duty.

26 (E) A person certified as an emergency medical technician
27 as defined in Ark. Code 20-13-202 or any other licensed or certified health
28 care professional while performing emergency medical services.

29 (b) Battery in the second degree is a Class D felony."
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31 SECTION 3. All provisions of this act of a general and permanent nature
32 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code
33 Revision Commission shall incorporate the same in the Code.
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35 SECTION 4. If any provision of this act or the application thereof to

1 any person or circumstance is held invalid, such invalidity shall not affect
2 other provisions or applications of the act which can be given effect without
3 the invalid provision or application, and to this end the provisions of this
4 act are declared to be severable.

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6 SECTION 5. All laws and parts of laws in conflict with this act are
7 hereby repealed.

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/s/Rep. Vess

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APPROVED: 4-14-95

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