

Stricken language would be deleted from present law. Underlined language would be added to present law.

1 State of Arkansas  
2 81st General Assembly  
3 Regular Session, 1997  
4

As Engrossed: S1/30/97

## A Bill

ACT 207 OF 1997  
SENATE BILL 116

5 By: Senator Gordon  
6  
7

### For An Act To Be Entitled

9 "AN ACT TO AMEND ARK. CODE 5-13-202 TO REDEFINE THE CRIME  
10 OF SECOND DEGREE BATTERY AS IT RELATES TO SCHOOL  
11 EMPLOYEES; AND FOR OTHER PURPOSES."  
12  
13

### Subtitle

14 "AN ACT TO AMEND ARK. CODE 5-13-202 TO  
15 REDEFINE THE CRIME OF SECOND DEGREE  
16 BATTERY AS IT RELATES TO SCHOOL  
17 EMPLOYEES."  
18  
19

20 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
21

22 SECTION 1. Ark. Code §5-13-202 is amended to read as follows:  
23 "§ 5-13-202. Battery in the second degree.

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

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

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

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

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

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

36 (B) A teacher or other ~~person employed in any school, and~~

1 ~~the teacher or other employee is upon the grounds of the school or grounds~~  
2 ~~adjacent thereto or is in any part of a building used for school~~  
3 ~~purposes~~ school employee while acting in the *course of employment*;

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

6 (D) An officer or employee of the state while the officer  
7 or employee is acting in the performance of his lawful duty;

8 (E) A person certified as an emergency medical technician  
9 as defined in § 20-13-202, or any other licensed or certified health care  
10 professional, while performing emergency medical services;

11 (F) An individual who is incompetent as defined by § 5-25-  
12 101(3).

13 (b) Battery in the second degree is a Class D felony."  
14

15 SECTION 2. All provisions of this act of a general and permanent nature  
16 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code  
17 Revision Commission shall incorporate the same in the Code.  
18

19 SECTION 3. If any provision of this act or the application thereof to  
20 any person or circumstance is held invalid, such invalidity shall not affect  
21 other provisions or applications of the act which can be given effect without  
22 the invalid provision or application, and to this end the provisions of this  
23 act are declared to be severable.  
24

25 SECTION 4. All laws and parts of laws in conflict with this act are  
26 hereby repealed.  
27

28 /s/Gordon

30 APPROVED: 2-19-97

31  
32  
33  
34  
35