

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: S2/25/97

# A Bill

ACT 525 OF 1997  
HOUSE BILL 1376

5 By: Representative Young, Kidd, Luker, McJunkin, McKissack, Miller, Willems, Bush, DeLay, Joe Hudson, and Mullenix  
6 By: Senator Bradford, Canada, and Scott  
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## For An Act To Be Entitled

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10 "AN ACT TO AMEND ARKANSAS CODE 5-2-613 RELATING TO THE USE  
11 OF PHYSICAL FORCE TO PREVENT ESCAPE BY INMATES; AND FOR  
12 OTHER PURPOSES."  
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## Subtitle

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15 "AN ACT RELATING TO THE USE OF PHYSICAL  
16 FORCE TO PREVENT ESCAPE BY INMATES."  
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18 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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20 SECTION 1. Arkansas Code 5-2-613 is amended to read as follows:

21 "5-2-613. Use of physical force to prevent escape from correctional  
22 facility.

23 A law enforcement officer or a guard correctional officer, employed by  
24 the Arkansas Department of Correction or by a private contractor in a  
25 correctional facility housing inmates for the Arkansas Department of  
26 Correction, (or a city or county correctional officer employed in a  
27 correctional facility or jail) is justified in using deadly physical  
28 force when and to the extent that he reasonably believes it necessary to  
29 prevent the escape of a prisoner from a correctional facility, or escape from  
30 custody of correctional officers outside the correctional facility for any  
31 purpose unless the law enforcement officer or guard correctional officer knows  
32 or reasonably should know that the prisoner is charged with or has been  
33 convicted of only a misdemeanor, in which case only nondeadly physical force  
34 may be used."  
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36 SECTION 2. All provisions of this act of a general and permanent

1 nature are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas  
2 Code Revision Commission shall incorporate the same in the Code.

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

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10 SECTION 4. All laws and parts of laws in conflict with this act are  
11 hereby repealed.

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*/s/Rep. Young et al*

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APPROVED:3-14-97

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