

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

1 State of Arkansas  
2 84th General Assembly  
3 Regular Session, 2003  
4

As Engrossed: H2/27/03 S4/3/03

# A Bill

Act 1318 of 2003  
HOUSE BILL 1588

5 By: Representatives Martin, *Borhauer*  
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## For An Act To Be Entitled

9 AN ACT TO CHANGE THE OFFENSE OF PERMITTING ABUSE  
10 OF A CHILD TO PERMITTING ABUSE OF A MINOR SO THAT  
11 IT APPLIES TO PERSONS UNDER THE AGE OF EIGHTEEN  
12 (18) YEARS; AND FOR OTHER PURPOSES.  
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## Subtitle

16 AN ACT TO CHANGE THE OFFENSE OF  
17 PERMITTING ABUSE OF A CHILD TO  
18 PERMITTING ABUSE OF A MINOR SO THAT IT  
19 APPLIES TO PERSONS UNDER THE AGE OF  
20 EIGHTEEN (18) YEARS.  
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24 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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26 SECTION 1. Arkansas Code § 5-27-221 is amended to read as follows:  
27 5-27-221. Permitting abuse of a ~~child~~ minor.

28 (a)(1) A person commits the offense of permitting abuse of a ~~child~~  
29 minor if, being a parent, guardian, or person legally charged with the care  
30 or custody of a ~~child~~ minor, he or she recklessly fails to take action to  
31 prevent the abuse of a ~~child~~ minor ~~who is less than eleven (11) years old~~.

32 (2) It is a defense to a prosecution for the offense of  
33 permitting abuse of a ~~child~~ minor if the parent, guardian, or person legally  
34 charged with the care or custody of the ~~child~~ minor takes immediate steps to  
35 end the abuse of the ~~child~~ minor, including prompt notification of medical or  
36 law enforcement authorities, upon first knowing or having good reason to know



1 that abuse has occurred.

2 (3) Permitting abuse of a ~~child~~ minor is a Class B felony if the  
3 abuse of the ~~child~~ minor consisted of sexual intercourse or deviate sexual  
4 activity or caused serious physical injury or death to the ~~child~~ minor.

5 (4) Permitting abuse of a ~~child~~ minor is a Class D felony if the  
6 abuse of the ~~child~~ minor consisted of sexual contact or caused ~~serious~~  
7 physical injury to the ~~child~~ minor.

8 (b) For the purposes of this section:

9 (1) "Abuse" means ~~any serious physical injury inflicted on a~~  
10 ~~child other than by accidental means or any act that involves sexual~~  
11 ~~molestation or exploitation~~ only sexual intercourse, deviate sexual activity,  
12 sexual contact or causing physical injury, serious physical injury, or death  
13 which could be prosecuted as delinquent or criminal acts; and

14 (2) "Minor" means a person under the age of eighteen (18) years.

15 /s/ Martin

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18 APPROVED: 4/14/2003  
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