

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.

Act 2207 of the Regular Session

1 State of Arkansas
2 85th General Assembly
3 Regular Session, 2005
4

As Engrossed: H3/30/05

A Bill

HOUSE BILL 2525

5 By: Representative J. Martin
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For An Act To Be Entitled

8
9 AN ACT TO CLARIFY THE REQUIREMENTS FOR THE
10 OFFENSE OF ENDANGERING THE WELFARE OF A MINOR IN
11 THE FIRST DEGREE; TO CREATE THE OFFENSE OF
12 ENDANGERING THE WELFARE OF A MINOR IN THE THIRD
13 DEGREE; AND FOR OTHER PURPOSES.
14

Subtitle

15 AN ACT TO CLARIFY THE REQUIREMENTS FOR
16 THE OFFENSE OF ENDANGERING THE WELFARE
17 OF A MINOR IN THE FIRST DEGREE AND TO
18 CREATE THE OFFENSE OF ENDANGERING THE
19 WELFARE OF A MINOR IN THE THIRD DEGREE.
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23 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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25 SECTION 1. Arkansas Code § 5-27-203 is amended to read as follows:

26 5-27-203. Endangering welfare of minor - First degree.

27 (a) A person commits the offense of endangering the welfare of a minor
28 in the first degree if, being a parent, guardian, person legally charged with
29 care or custody of a minor, or a person charged with supervision of a minor,
30 he or she purposely:

31 (1) Engages in conduct creating a substantial risk of death or
32 serious physical injury to a minor; or

33 (2) ~~deserts~~ Deserts a minor less than ten (10) years old under
34 circumstances creating a substantial risk of death or serious physical
35 injury.



1 (b) Endangering the welfare of a minor in the first degree is a Class
2 D felony.

3 (c)(1) It shall be an affirmative defense to prosecution under this
4 section that the parent voluntarily delivered the child to and left the child
5 with, or voluntarily arranged for another person to deliver the child to and
6 leave the child with, a medical provider or law enforcement agency as
7 provided in § 9-34-201 et seq.

8 (2) Nothing in subdivision (c)(1) of this section shall be
9 construed to create a defense to any prosecution arising from any conduct
10 other than the act of delivering the child as described above, and
11 subdivision (c)(1) of this section specifically shall not constitute a
12 defense to any prosecution arising from an act of abuse or neglect committed
13 prior to the delivery of the child to a medical provider or law enforcement
14 agency as provided in § 9-34-201 et seq.

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16 SECTION 2. Arkansas Code § 5-27-204 is amended to read as follows:

17 5-27-204. Endangering welfare of minor - Second degree.

18 (a)(1) A person commits the offense of endangering the welfare of a
19 minor in the second degree if he or she knowingly engages in conduct creating
20 a substantial risk of serious harm to the physical or mental welfare of one
21 *known by the actor to be a minor.*

22 (2) As used in this section, "serious harm to the physical or
23 mental welfare" means physical or mental injury that causes protracted
24 disfigurement, protracted impairment of physical or mental health, or loss or
25 protracted impairment of the function of any bodily member or organ.

26 (b) Endangering the welfare of a minor in the second degree is a Class
27 A misdemeanor.

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29 SECTION 3. Arkansas Code Title 5, Chapter 27, Subchapter 2 is amended
30 to add an additional section to read as follows:

31 5-27-231. Endangering the welfare of a minor – Third degree.

32 (a)(1) A person commits the offense of endangering the welfare of a
33 minor in the third degree if the person recklessly engages in conduct
34 creating a substantial risk of serious harm to the physical or mental welfare
35 of one known by the actor to be a minor.

36 (2) As used in this section, "serious harm to the physical or

1 mental welfare" means physical or mental injury that causes protracted
2 disfigurement, protracted impairment of physical or mental health, or loss or
3 protracted impairment of the function of any bodily member or organ.

4 (b) Endangering the welfare of a minor in the third degree is a Class
5 B misdemeanor.

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7 /s/ J. Martin

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10 APPROVED: 4/13/2005
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