

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 2216 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 2616

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

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

15
16 **Subtitle**

17 AN ACT TO CLARIFY THE REQUIREMENTS FOR
18 THE OFFENSE OF ENDANGERING THE WELFARE
19 OF AN INCOMPETENT PERSON IN THE FIRST
20 DEGREE AND TO CREATE THE OFFENSE OF
21 ENDANGERING THE WELFARE OF AN
22 INCOMPETENT PERSON IN THE THIRD DEGREE.

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

26
27 SECTION 1. Arkansas Code § 5-27-201 is amended to read as follows:

28 5-27-201. Endangering welfare of incompetent person - First degree.

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

33 (1) Engages in conduct creating a substantial risk of death or
34 serious physical injury to an incompetent person; or

35 (2) ~~deserts~~ Deserts the incompetent person under circumstances



1 creating a substantial risk of death or serious physical injury.

2 (b) Endangering the welfare of an incompetent person in the first degree
3 is a Class D felony.

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5 SECTION 2. Arkansas Code § 5-27-202 is amended to read as follows:

6 5-27-202. Endangering welfare of incompetent person - Second degree.

7 (a)(1) A person commits the offense of endangering the welfare of an
8 incompetent person in the second degree if he or she knowingly engages in
9 conduct creating a substantial risk of serious harm to the physical or mental
10 *welfare of a person known by the actor to be an incompetent person.*

11 *(2) As used in this section, "serious harm to the physical or*
12 *mental welfare of a person" means physical or mental injury that causes*
13 *protracted disfigurement, protracted impairment of physical or mental health,*
14 *or loss or protracted impairment of the function of any bodily member or*
15 *organ.*

16 (b) Endangering the welfare of an incompetent person in the second
17 degree is a Class A misdemeanor.

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

21 5-27-231. Endangering the welfare of incompetent person – Third
22 degree.

23 (a)(1) A person commits the offense of endangering the welfare of an
24 incompetent person in the third degree if the person recklessly engages in
25 conduct creating a substantial risk of serious harm to the physical or mental
26 welfare of a person known by the actor to be an incompetent person.

27 *(2) As used in this section, "serious harm to the physical or*
28 *mental welfare of a person" means physical or mental injury that causes*
29 *protracted disfigurement, protracted impairment of physical or mental health,*
30 *or loss or protracted impairment of the function of any bodily member or*
31 *organ.*

32 (b) Endangering the welfare of an incompetent person in the third
33 degree is a Class B misdemeanor.

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36 /s/ J. Martin

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APPROVED: 4/13/2005