

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 709 of the Regular Session

1 State of Arkansas  
2 86th General Assembly  
3 Regular Session, 2007  
4

As Engrossed: S3/12/07

**A Bill**

SENATE BILL 556

5 By: Senator Broadway  
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7

**For An Act To Be Entitled**

9 AN ACT TO INCREASE THE PENALTY CLASSIFICATION FOR  
10 BATTERY IN THE FIRST DEGREE IF THE VICTIM IS A  
11 LAW ENFORCEMENT OFFICER ACTING IN THE LINE OF  
12 DUTY; AND FOR OTHER PURPOSES.  
13

**Subtitle**

14 TO INCREASE THE PENALTY CLASSIFICATION  
15 FOR BATTERY IN THE FIRST DEGREE IF THE  
16 VICTIM IS A LAW ENFORCEMENT OFFICER  
17 ACTING IN THE LINE OF DUTY.  
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21 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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23 SECTION 1. This act shall be known and may be cited as "Corporal Scott  
24 Baxter's Law".  
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26 SECTION 2. Arkansas Code § 5-13-201 is amended to read as follows:

27 5-13-201. Battery in the first degree.

28 (a) A person commits battery in the first degree if:

29 (1) With the purpose of causing serious physical injury to  
30 another person, the person causes serious physical injury to any person by  
31 means of a deadly weapon;

32 (2) With the purpose of seriously and permanently disfiguring  
33 another person or of destroying, amputating, or permanently disabling a  
34 member or organ of that other person's body, the person causes such an injury  
35 to any person;



1           (3) The person causes serious physical injury to another person  
2 under circumstances manifesting extreme indifference to the value of human  
3 life;

4           (4) Acting alone or with one (1) or more other persons:

5                 (A) The person commits or attempts to commit a felony; and

6                 (B) In the course of and in furtherance of the felony or  
7 in immediate flight from the felony:

8                         (i) The person or an accomplice causes serious  
9 physical injury to any person under circumstances manifesting extreme  
10 indifference to the value of human life; or

11                        (ii) Another person who is resisting the felony or  
12 flight causes serious physical injury to any person;

13           (5) With the purpose of causing serious physical injury to an  
14 unborn child or to a woman who is pregnant with an unborn child, the person  
15 causes serious physical injury to the unborn child;

16           (6) The person knowingly causes physical injury to a pregnant  
17 woman in the commission of a felony or a Class A misdemeanor, and in so  
18 doing, causes serious physical injury to the pregnant woman's unborn child,  
19 and the unborn child is subsequently born alive;

20           (7) The person intentionally or knowingly, without legal  
21 justification, causes serious physical injury to a person he or she knows to  
22 *be twelve (12) years of age or younger; or*

23           (8) *With the purpose of causing physical injury to another*  
24 *person, the person causes physical injury to any person by means of a*  
25 *firearm.*

26           (b) It is an affirmative defense in any prosecution under subdivision  
27 (a)(4) of this section in which the defendant was not the only participant  
28 that the defendant:

29                 (1) Did not commit the battery or in any way solicit, command,  
30 induce, procure, counsel, or aid the battery's commission;

31                 (2) Was not armed with a deadly weapon;

32                 (3) Reasonably believed that no other participant was armed with  
33 a deadly weapon; and

34                 (4) Reasonably believed that no other participant intended to  
35 engage in conduct that could result in serious physical injury.

36           (c)(1) Battery Except as provided in subdivision (c)(2) of this

1 section, battery in the first degree is a Class B felony.

2 (2) Battery in the first degree is a Class Y felony if the  
3 injured person is a law enforcement officer acting in the line of duty.

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/s/ Broadway

APPROVED: 3/30/2007