A Bill

By: Representative Gazaway

For An Act To Be Entitled

AN ACT AMENDING THE SENTENCING RANGE FOR THE OFFENSE OF BATTERY IN THE SECOND DEGREE; AND FOR OTHER PURPOSES.

Subtitle

AMENDING THE SENTENCING RANGE FOR THE OFFENSE OF BATTERY IN THE SECOND DEGREE.

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

SECTION 1. Arkansas Code § 5-13-202 is amended to read as follows:


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

(1) With the purpose of causing physical injury to another person, the person causes serious physical injury to another person;

(2) With the purpose of causing physical injury to another person, the person causes physical injury to another person by means of a deadly weapon other than a firearm;

(3) The person recklessly causes serious physical injury to another person:

(A) By means of a deadly weapon; or

(B) While operating or in actual physical control of a motor vehicle or motorboat if at the time:

(i) The person is intoxicated; or

(ii) The alcohol concentration in the person’s breath or blood is eight-hundredths (0.08) or more based upon the definition of alcohol concentration in § 5-65-204; or
(4) The person knowingly, without legal justification, causes physical injury to or incapacitates a person he or she knows to be:

   (A)(i) A law enforcement officer, firefighter, code enforcement officer, or employee of a correctional facility while the law enforcement officer, firefighter, code enforcement officer, or employee of a correctional facility is acting in the line of duty.

   (ii) As used in this subdivision (a)(4)(A):

            (A) “Code enforcement officer” means an individual charged with the duty of enforcing a municipal code, municipal ordinance, or municipal regulation as defined by a municipal code, municipal ordinance, or municipal regulation.

            (2) “Code enforcement officer” includes a municipal animal control officer; and

            (b) “Employee of a correctional facility” includes a person working under a professional services contract with the Department of Correction, the Department of Community Correction, or the Division of Youth Services of the Department of Human Services;

   (B) A teacher or other school employee while acting in the course of employment;

   (C) An individual sixty (60) years of age or older or twelve (12) years of age or younger;

   (D) An officer or employee of the state while the officer or employee of the state is acting in the performance of his or her lawful duty;

   (E) While performing medical treatment or emergency medical services or while in the course of other employment relating to his or her medical training:

            (i) A physician;

            (ii) A person licensed as emergency medical services personnel, as defined in § 20-13-202;

            (iii) A licensed or certified health care professional; or

            (iv) Any other health care provider; or

   (F) An individual who is incompetent, as defined in § 5-25-101.

   (b)(1) Battery in the second degree under subdivision (a)(3)(B) of...
this section is a Class C felony.

(2) Otherwise, battery in the second degree is a Class D felony.

(c) As used in this section, “motorboat” means the same as defined in § 5-65-102.

APPROVED: 4/8/19