

1 State of Arkansas  
2 93rd General Assembly  
3 Regular Session, 2021  
4

# A Bill

HOUSE BILL 1727

5 By: Representative Dalby  
6 By: Senator Rice  
7

## For An Act To Be Entitled

9 AN ACT CONCERNING THE OFFENSE OF AGGRAVATED ASSAULT  
10 UPON A LAW ENFORCEMENT OFFICER OR AN EMPLOYEE OF A  
11 CORRECTIONAL FACILITY; TO DECLARE AN EMERGENCY; AND  
12 FOR OTHER PURPOSES.  
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## Subtitle

15 CONCERNING THE OFFENSE OF AGGRAVATED  
16 ASSAULT UPON A LAW ENFORCEMENT OFFICER OR  
17 AN EMPLOYEE OF A CORRECTIONAL FACILITY;  
18 AND TO DECLARE AN EMERGENCY.  
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22 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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24 SECTION 1. Arkansas Code § 5-13-211 is amended to read as follows:

25 5-13-211. Aggravated assault upon a law enforcement officer or an  
26 employee of a correctional facility.

27 (a) A person commits aggravated assault upon a law enforcement officer  
28 or an employee of a correctional facility if:

29 (1) Under circumstances manifesting extreme indifference to the  
30 personal hygiene of the law enforcement officer or employee of the  
31 correctional facility, the person purposely engages in conduct that creates a  
32 potential danger of infection to the law enforcement officer or an employee  
33 of any state or local correctional facility while the law enforcement officer  
34 or employee of the state or local correctional facility is engaged in the  
35 course of his or her employment by causing a person whom the actor knows to  
36 be a law enforcement officer or employee of the state or local correctional



1 facility to come into contact with saliva, blood, urine, feces, seminal  
 2 fluid, or other bodily fluid by purposely throwing, tossing, expelling, or  
 3 otherwise transferring the fluid or material; or

4 (2) He or she knowingly discharges a firearm with a purpose to  
 5 cause serious physical injury or death to a law enforcement officer or an  
 6 employee of a correctional facility while the law enforcement officer or  
 7 employee of a correctional facility is acting within the scope of his or her  
 8 official duties and the person:

9 (A) Is in custody as a result of a felony conviction;

10 (B) Is unlawfully at liberty after being sentenced to  
 11 imprisonment as a result of a felony conviction;

12 (C) Has a felony conviction for a felony offense which  
 13 contained as an element the use or threat of violence against another person  
 14 or the creation of a substantial risk of death or serious physical injury to  
 15 another person;

16 (D) Knowingly creates a substantial risk of serious  
 17 physical injury or death to a person other than the law enforcement officer  
 18 or the employee of a correctional facility;

19 (E) Causes the death of more than one (1) person;

20 (F) Is acting with a purpose to avoid or prevent an arrest  
 21 or to escape from custody;

22 (G) Is acting with a purpose to obtain a pecuniary gain;  
 23 or

24 (H) Is acting with a purpose to disrupt or hinder the  
 25 lawful exercise of any government or political function.

26 (b) Aggravated assault upon a law enforcement officer or an employee  
 27 of a correctional facility is:

28 (1) A Class D felony under subdivision (a)(1) of this section;

29 or

30 (2) A Class Y felony under subdivision (a)(2) of this section.

31 (c) As used in this section, "contact with" includes without  
 32 limitation contact with the skin, a face covering, a glove, or the uniform of  
 33 a law enforcement officer or employee of a correctional facility.

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 35 SECTION 2. EMERGENCY CLAUSE. It is found and determined by the  
 36 General Assembly of the State of Arkansas that the actions constituting

1 aggravated assault upon a law enforcement officer or an employee of a  
 2 correctional facility as described in this act by an offender in the custody  
 3 of the Department of Corrections compromise the health and safety of the  
 4 correctional staff in the facility in which the offender is housed.  
 5 Therefore, an emergency is declared to exist, and this act being immediately  
 6 necessary for the preservation of the public peace, health, and safety shall  
 7 become effective on:

8 (1) The date of its approval by the Governor;

9 (2) If the bill is neither approved nor vetoed by the Governor,  
 10 the expiration of the period of time during which the Governor may veto the  
 11 bill; or

12 (3) If the bill is vetoed by the Governor and the veto is  
 13 overridden, the date the last house overrides the veto.

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 16 **APPROVED: 4/6/21**  
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