Stricken language would be deleted from and underlined language would be added to present law. Act 429 of the Regular Session

1	State of Arkansas As Engrossed: H2/12/13 H2/14/13 H2/20/13
2	89th General Assembly A Bill
3	Regular Session, 2013HOUSE BILL 1250
4	
5	By: Representatives D. Whitaker, Baine, Ballinger, Broadaway, Catlett, Hillman, Neal, Vines, Wardlaw
6	
7	For An Act To Be Entitled
8	AN ACT AMENDING BATTERY IN THE SECOND DEGREE TO
9	REFLECT WHEN INJURY TO ANOTHER PERSON OCCURS AS A
10	RESULT OF DRIVING WHILE INTOXICATED; AND FOR OTHER
11	PURPOSES.
12	
13	
14	Subtitle
15	AMENDING BATTERY IN THE SECOND DEGREE TO
16	REFLECT WHEN INJURY TO ANOTHER PERSON
17	OCCURS AS A RESULT OF DRIVING WHILE
18	INTOXICATED.
19	
20	
21	BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
22	
23	SECTION 1. Arkansas Code § 5-13-202 is amended to read as follows:
24	5-13-202. Battery in the second degree.
25	(a) A person commits battery in the second degree if:
26	(1) With the purpose of causing physical injury to another
27	person, the person causes serious physical injury to <del>any</del> another person;
28	(2) With the purpose of causing physical injury to another
29	person, the person causes physical injury to <del>any</del> <u>another</u> person by means of a
30	deadly weapon other than a firearm;
31	(3) The person recklessly causes serious physical injury to
32	another person <u>:</u>
33	(A) by By means of a deadly weapon; or
34	(B) While operating or in actual physical control of a
35	motor vehicle if at the time:
36	(i) The person is intoxicated; or



.

HB1250

<ul> <li>breath or blood is eight-hundredths (0.08) or more based upon the definition of alcohol concentration in § 5-65-204; or</li> <li>(4) The person knowingly, without legal justification, causes</li> <li>physical injury to or incapacitates a person he or she knows to be:</li> <li>(A) (1) A law enforcement officer, firefighter, code</li> <li>enforcement officer, or employee of a correctional facility while the law</li> <li>enforcement officer, firefighter, code enforcement officer, or employee of a correctional facility is acting in the line of duty.</li> <li>(i) As used in this subdivision (a)(4)(A):</li> <li>(a)(1) "Code enforcement officer" means an</li> <li>individual charged with the duty of enforcing a municipal code, municipal</li> <li>ordinance, or municipal regulation.</li> <li>(2) "Code enforcement officer" includes</li> <li>a municipal animal control officer;</li> <li>(b) "Employee of a correctional facility"</li> <li>includes a person working under a professional services contract with the</li> <li>Department of Correction, the Department of Human Services; and</li> <li>(B) A teacher or other school employee while acting in the</li> <li>course of employment;</li> <li>(b) An individual sixty (60) years of age or older or</li> <li>twelve (12) years of age or younger;</li> <li>(b) An officer or employee of the state while the officer</li> <li>or employee of the state is acting in the performance of his or her lawful</li> <li>duty;</li> <li>(c) An individual sixty (60) years of age or older or</li> <li>twelve (12) years of age or younger;</li> <li>(b) While performing medical treatment or emergency</li> <li>medical services or while in the course of other employment relating to his</li> <li>or her medical training:</li> <li>(i) A physician;</li> <li>(ii) A picensel as emergency medical services</li> <li>personnel, as defined in § 20-13-202;</li> <li>(iv) Any other health care provider; or</li> </ul>	1	(ii) The alcohol concentration in the person's
4       (4) The person knowingly, without legal justification, causes         5       physical injury to or incapacitates a person he or she knows to be:         6       (A)(1) A law enforcement officer, firefighter, code         7       enforcement officer, or employee of a correctional facility while the law         8       enforcement officer, firefighter, code enforcement officer, or employee of a         9       correctional facility is acting in the line of duty.         10       (ii) As used in this subdivision (a)(4)(A):         11       (a)(1) "Code enforcement officer," means an         12       ordinance, or municipal regulation as defined by a municipal code, municipal         13       ordinance, or municipal regulation.         14       (b) "Employee of a correctional facility"         18       a municipal animal control officer;         17       (b) "Employee of a correctional facility"         18       includes a person working under a professional services contract with the         19       Department of Correction, the Department of Human Services; and         21       (B) A teacher or other school employee while acting in the         22       (D) An officer or employee of the state while the officer         23       (D) An officer or employee of the state while the officer         24       (E) While performing medical treatment or emerg	2	breath or blood is eight-hundredths (0.08) or more based upon the definition
5       physical injury to or incapacitates a person he or she knows to be:         6       (A)(i) A law enforcement officer, firefighter, code         7       enforcement officer, or employee of a correctional facility while the law         8       enforcement officer, firefighter, code enforcement officer, or employee of a         9       correctional facility is acting in the line of duty.         10       (ii) As used in this subdivision (a)(4)(A):         11       (a)(1) "Code enforcement officer" means an         12       individual charged with the duty of enforcing a municipal code, municipal         13       ordinance, or municipal regulation as defined by a municipal code, municipal         14       ordinance, or municipal regulation.         15       (2) "Code enforcement officer" includes         16       a municipal animal control officer;         17       (b) "Employee of a correctional facility"         18       includes a person working under a professional services contract with the         19       Department of Correction, the Department of Human Services; end         10       (B) A teacher or other school employee while acting in the         10       (B) At eacher or other school employee while acting in the         12       (D) An individual sixty (60) years of age or older or         14       twelve (12) years of age or younger; <td>3</td> <td>of alcohol concentration in § 5-65-204; or</td>	3	of alcohol concentration in § 5-65-204; or
6       (A)(i) A law enforcement officer, firefighter, code         7       enforcement officer, or employee of a correctional facility while the law         8       enforcement officer, firefighter, code enforcement officer, or employee of a         9       correctional facility is acting in the line of duty.         10       (ii) As used in this subdivision (a)(4)(A):         11       (a)(1) "Gode enforcement officer" means an         12       individual charged with the duty of enforcing a municipal code, municipal         13       ordinance, or municipal regulation.         15       (2) "Code enforcement officer" includes         16       a municipal animal control officer;         17       (b) "Employee of a correctional facility"         18       includes a person working under a professional services contract with the         19       Department of Correction, the Department of Human Services; end         11       (B) A teacher or other school employee while acting in the         12       (D) An individual sixty (60) years of age or older or         14       twelve (12) years of age or younger;         15       (D) An officer or employee of the state while the officer         16       or employee of the state is acting in the performance of his or her lawful         17       (1) A physician;         18       (1)	4	(4) The person knowingly, without legal justification, causes
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)(1) "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 as defined by a municipal code, municipal ordinance, or municipal regulation. (2) "Code enforcement officer" includes a municipal animal control officer; (a municipal animal control officer; (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; end (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: (1) A physician; (1) A preson licensed as emergency medical services personnel, as defined in § 20-13-202; (iii) A licensed or certified health care professional; or	5	physical injury to or incapacitates a person he or she knows to be:
<ul> <li>enforcement officer, firefighter, code enforcement officer, or employee of a correctional facility is acting in the line of duty.</li> <li>(ii) As used in this subdivision (a)(4)(A):</li> <li>(a)(1) "Code enforcement officer" means an</li> <li>individual charged with the duty of enforcing a municipal code, municipal</li> <li>ordinance, or municipal regulation as defined by a municipal code, municipal</li> <li>ordinance, or municipal regulation.</li> <li>(2) "Code enforcement officer" includes</li> <li>a municipal animal control officer;</li> <li>(b) "Employee of a correctional facility"</li> <li>includes a person working under a professional services contract with the</li> <li>Department of Correction, the Department of Community Correction, or the</li> <li>Division of Youth Services of the Department of Human Services; end</li> <li>(C) An individual sixty (60) years of age or older or</li> <li>twelve (12) years of age or younger;</li> <li>(D) An officer or employee of the state while the officer</li> <li>or employee of the state is acting in the performance of his or her lawful</li> <li>duty;</li> <li>(i) A physician;</li> <li>(ii) A person licensed as emergency medical services</li> <li>personnel, as defined in § 20-13-202;</li> <li>(iii) A licensed or certified health care</li> <li>professional; or</li> </ul>	6	(A)(i) A law enforcement officer, firefighter, code
9       correctional facility is acting in the line of duty.         10       (ii) As used in this subdivision (a)(4)(A):         11       (a)(1) "Code enforcement officer" means an         12       individual charged with the duty of enforcing a municipal code, municipal         13       ordinance, or municipal regulation as defined by a municipal code, municipal         14       ordinance, or municipal regulation.         15       (2) "Code enforcement officer" includes         16       a municipal animal control officer;         17       (b) "Employee of a correctional facility"         18       includes a person working under a professional services contract with the         19       Department of Correction, the Department of Community Correction, or the         10       (B) A teacher or other school employee while acting in the         11       (B) A teacher or other school employee while acting in the         12       (C) An individual sixty (60) years of age or older or         11       (B) A to officer or employee of the state while the officer         16       or employee of the state is acting in the performance of his or her lawful         17       (D) An officer or employee of the state while the officer         16       (E) While performing medical treatment or emergency         17       (1) A physician;         18	7	enforcement officer, or employee of a correctional facility while the law
10       (ii) As used in this subdivision (a)(4)(A):         11       (a)(1) "Code enforcement officer" means an         12       individual charged with the duty of enforcing a municipal code, municipal         13       ordinance, or municipal regulation as defined by a municipal code, municipal         14       ordinance, or municipal regulation.         15       (2) "Code enforcement officer" includes         16       a municipal animal control officer;         17       (b) "Employee of a correctional facility"         18       includes a person working under a professional services contract with the         19       Department of Correction, the Department of Community Correction, or the         10       (B) A teacher or other school employee while acting in the         11       (B) A teacher or employee of the state while the officer         13       (C) An individual sixty (60) years of age or older or         14       twelve (12) years of age or younger;         15       (D) An officer or employee of the state while the officer         16       or employee of the state is acting in the performance of his or her lawful         17       (1) A physician;         18       (1) A physician;         19       (11) A person licensed as emergency medical services         19       (11) A licensed or certified health care <td>8</td> <td>enforcement officer, firefighter, code enforcement officer, or employee of a</td>	8	enforcement officer, firefighter, code enforcement officer, or employee of a
11(a)(1) "Code enforcement officer" means an12individual charged with the duty of enforcing a municipal code, municipal13ordinance, or municipal regulation as defined by a municipal code, municipal14ordinance, or municipal regulation.15(2) "Code enforcement officer" includes16a municipal animal control officer;17(b) "Employee of a correctional facility"18includes a person working under a professional services contract with the19Department of Correction, the Department of Community Correction, or the20Division of Youth Services of the Department of Human Services; end21(B) A teacher or other school employee while acting in the22course of employment;23(C) An individual sixty (60) years of age or older or24twelve (12) years of age or younger;25(D) An officer or employee of the state while the officer26or employee of the state is acting in the performance of his or her lawful27duty;28(E) While performing medical treatment or emergency29medical services or while in the course of other employment relating to his30or her medical training:31(1) A physician;32(ii) A person licensed as emergency medical services33personnel, as defined in § 20-13-202;34(iii) A licensed or certified health care35professional; or	9	correctional facility is acting in the line of duty.
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; (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; and (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	10	(ii) As used in this subdivision (a)(4)(A):
13ordinance, or municipal regulation as defined by a municipal code, municipal14ordinance, or municipal regulation.15(2) "Code enforcement officer" includes16a municipal animal control officer;17(b) "Employee of a correctional facility"18includes a person working under a professional services contract with the19Department of Correction, the Department of Community Correction, or the20Division of Youth Services of the Department of Human Services; end21(B) A teacher or other school employee while acting in the22course of employment;23(C) An individual sixty (60) years of age or older or24twelve (12) years of age or younger;25(D) An officer or employee of the state while the officer26or her medical training:30(E) While performing medical treatment or emergency31(i) A physician;32(ii) A person licensed as emergency medical services33personnel, as defined in § 20-13-202;34(iii) A licensed or certified health care35professional; or	11	(a)(1) "Code enforcement officer" means an
14       ordinance, or municipal regulation.         15       (2) "Code enforcement officer" includes         16       a municipal animal control officer;         17       (b) "Employee of a correctional facility"         18       includes a person working under a professional services contract with the         19       Department of Correction, the Department of Community Correction, or the         20       (B) A teacher or other school employee while acting in the         21       (B) A teacher or other school employee while acting in the         22       (C) An individual sixty (60) years of age or older or         24       twelve (12) years of age or younger;         25       (D) An officer or employee of the state while the officer         26       or employee of the state is acting in the performance of his or her lawful         27       duty;         28       (E) While performing medical treatment or emergency         29       medical services or while in the course of other employment relating to his         30       or her medical training:         31       (i) A physician;         32       (ii) A person licensed as emergency medical services         33       personnel, as defined in § 20-13-202;         34       (iii) A licensed or certified health care         35       profe	12	individual charged with the duty of enforcing a municipal code, municipal
<ul> <li>(2) "Code enforcement officer" includes</li> <li>a municipal animal control officer;</li> <li>(b) "Employee of a correctional facility"</li> <li>includes a person working under a professional services contract with the</li> <li>Department of Correction, the Department of Community Correction, or the</li> <li>Division of Youth Services of the Department of Human Services; and</li> <li>(B) A teacher or other school employee while acting in the</li> <li>course of employment;</li> <li>(C) An individual sixty (60) years of age or older or</li> <li>twelve (12) years of age or younger;</li> <li>(D) An officer or employee of the state while the officer</li> <li>or employee of the state is acting in the performance of his or her lawful</li> <li>duty;</li> <li>(E) While performing medical treatment or emergency</li> <li>medical services or while in the course of other employment relating to his</li> <li>or her medical training:</li> <li>(i) A physician;</li> <li>(ii) A person licensed as emergency medical services</li> <li>personnel, as defined in § 20-13-202;</li> <li>(iii) A licensed or certified health care</li> <li>professional; or</li> </ul>	13	ordinance, or municipal regulation as defined by a municipal code, municipal
16a municipal animal control officer;17(b) "Employee of a correctional facility"18includes a person working under a professional services contract with the19Department of Correction, the Department of Community Correction, or the20Division of Youth Services of the Department of Human Services; and21(B) A teacher or other school employee while acting in the22course of employment;23(C) An individual sixty (60) years of age or older or24twelve (12) years of age or younger;25(D) An officer or employee of the state while the officer26or employee of the state is acting in the performance of his or her lawful27duty;28(E) While performing medical treatment or emergency29medical services or while in the course of other employment relating to his30or her medical training:31(i) A physician;32(ii) A person licensed as emergency medical services33personnel, as defined in § 20-13-202;34(iii) A licensed or certified health care35professional; or	14	ordinance, or municipal regulation.
<ul> <li>(b) "Employee of a correctional facility"</li> <li>includes a person working under a professional services contract with the</li> <li>Department of Correction, the Department of Community Correction, or the</li> <li>Division of Youth Services of the Department of Human Services; and</li> <li>(B) A teacher or other school employee while acting in the</li> <li>course of employment;</li> <li>(C) An individual sixty (60) years of age or older or</li> <li>twelve (12) years of age or younger;</li> <li>(D) An officer or employee of the state while the officer</li> <li>or employee of the state is acting in the performance of his or her lawful</li> <li>duty;</li> <li>(E) While performing medical treatment or emergency</li> <li>medical services or while in the course of other employment relating to his</li> <li>or her medical training:</li> <li>(i) A person licensed as emergency medical services</li> <li>personnel, as defined in § 20-13-202;</li> <li>(iii) A licensed or certified health care</li> <li>professional; or</li> </ul>	15	(2) "Code enforcement officer" includes
<ul> <li>includes a person working under a professional services contract with the</li> <li>Department of Correction, the Department of Community Correction, or the</li> <li>Division of Youth Services of the Department of Human Services; and</li> <li>(B) A teacher or other school employee while acting in the</li> <li>course of employment;</li> <li>(C) An individual sixty (60) years of age or older or</li> <li>twelve (12) years of age or younger;</li> <li>(D) An officer or employee of the state while the officer</li> <li>or employee of the state is acting in the performance of his or her lawful</li> <li>duty;</li> <li>(E) While performing medical treatment or emergency</li> <li>medical services or while in the course of other employment relating to his</li> <li>or her medical training:</li> <li>(i) A physician;</li> <li>(ii) A person licensed as emergency medical services</li> <li>personnel, as defined in § 20-13-202;</li> <li>(iii) A licensed or certified health care</li> <li>professional; or</li> </ul>	16	a municipal animal control officer;
19Department of Correction, the Department of Community Correction, or the20Division of Youth Services of the Department of Human Services; and21(B) A teacher or other school employee while acting in the22course of employment;23(C) An individual sixty (60) years of age or older or24twelve (12) years of age or younger;25(D) An officer or employee of the state while the officer26or employee of the state is acting in the performance of his or her lawful27duty;28(E) While performing medical treatment or emergency29medical services or while in the course of other employment relating to his30or her medical training:31(i) A physician;32(ii) A person licensed as emergency medical services33personnel, as defined in § 20-13-202;34(iii) A licensed or certified health care35professional; or	17	(b) "Employee of a correctional facility"
20Division of Youth Services of the Department of Human Services; and21(B) A teacher or other school employee while acting in the22course of employment;23(C) An individual sixty (60) years of age or older or24twelve (12) years of age or younger;25(D) An officer or employee of the state while the officer26or employee of the state is acting in the performance of his or her lawful27duty;28(E) While performing medical treatment or emergency29medical services or while in the course of other employment relating to his30or her medical training:31(i) A physician;32(ii) A person licensed as emergency medical services33personnel, as defined in § 20-13-202;34(iii) A licensed or certified health care35professional; or	18	includes a person working under a professional services contract with the
<ul> <li>(B) A teacher or other school employee while acting in the</li> <li>course of employment;</li> <li>(C) An individual sixty (60) years of age or older or</li> <li>twelve (12) years of age or younger;</li> <li>(D) An officer or employee of the state while the officer</li> <li>or employee of the state is acting in the performance of his or her lawful</li> <li>duty;</li> <li>(E) While performing medical treatment or emergency</li> <li>medical services or while in the course of other employment relating to his</li> <li>or her medical training:</li> <li>(i) A physician;</li> <li>(ii) A person licensed as emergency medical services</li> <li>personnel, as defined in § 20-13-202;</li> <li>(iii) A licensed or certified health care</li> <li>professional; or</li> </ul>	19	Department of Correction, the Department of Community Correction, or 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; personnel, as defined in § 20-13-202; function of the set o	20	Division of Youth Services of the Department of Human Services; and
<ul> <li>(C) An individual sixty (60) years of age or older or</li> <li>twelve (12) years of age or younger;</li> <li>(D) An officer or employee of the state while the officer</li> <li>or employee of the state is acting in the performance of his or her lawful</li> <li>duty;</li> <li>(E) While performing medical treatment or emergency</li> <li>medical services or while in the course of other employment relating to his</li> <li>or her medical training:</li> <li>(i) A physician;</li> <li>(ii) A person licensed as emergency medical services</li> <li>personnel, as defined in § 20-13-202;</li> <li>(iii) A licensed or certified health care</li> <li>professional; or</li> </ul>	21	(B) A teacher or other school employee while acting in the
24twelve (12) years of age or younger;25(D) An officer or employee of the state while the officer26or employee of the state is acting in the performance of his or her lawful27duty;28(E) While performing medical treatment or emergency29medical services or while in the course of other employment relating to his30or her medical training:31(i) A physician;32(ii) A person licensed as emergency medical services33personnel, as defined in § 20-13-202;34(iii) A licensed or certified health care35professional; or	22	course of employment;
<ul> <li>(D) An officer or employee of the state while the officer</li> <li>or employee of the state is acting in the performance of his or her lawful</li> <li>duty;</li> <li>(E) While performing medical treatment or emergency</li> <li>medical services or while in the course of other employment relating to his</li> <li>or her medical training:</li> <li>(i) A physician;</li> <li>(ii) A person licensed as emergency medical services</li> <li>personnel, as defined in § 20-13-202;</li> <li>(iii) A licensed or certified health care</li> <li>professional; or</li> </ul>	23	(C) An individual sixty (60) years of age or older or
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	24	twelve (12) years of age or younger;
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	25	(D) An officer or employee of the state while the officer
<ul> <li>(E) While performing medical treatment or emergency</li> <li>medical services or while in the course of other employment relating to his</li> <li>or her medical training:</li> <li>(i) A physician;</li> <li>(ii) A person licensed as emergency medical services</li> <li>personnel, as defined in § 20-13-202;</li> <li>(iii) A licensed or certified health care</li> <li>professional; or</li> </ul>	26	or employee of the state is acting in the performance of his or her lawful
29 medical services or while in the course of other employment relating to his 30 or her medical training: 31 (i) A physician; 32 (ii) A person licensed as emergency medical services 33 personnel, as defined in § 20-13-202; 34 (iii) A licensed or certified health care 35 professional; or	27	duty;
<pre>30 or her medical training: 31 (i) A physician; 32 (ii) A person licensed as emergency medical services 33 personnel, as defined in § 20-13-202; 34 (iii) A licensed or certified health care 35 professional; or</pre>	28	(E) While performing medical treatment or emergency
31 (i) A physician; 32 (ii) A person licensed as emergency medical services 33 personnel, as defined in § 20-13-202; 34 (iii) A licensed or certified health care 35 professional; or	29	medical services or while in the course of other employment relating to his
32 (ii) A person licensed as emergency medical services 33 personnel, as defined in § 20-13-202; 34 (iii) A licensed or certified health care 35 professional; or	30	or her medical training:
33 personnel, as defined in § 20-13-202; 34 (iii) A licensed or certified health care 35 professional; or	31	(i) A physician;
34 (iii) A licensed or certified health care 35 professional; or	32	(ii) A person licensed as emergency medical services
35 professional; or	33	personnel, as defined in § 20-13-202;
-	34	(iii) A licensed or certified health care
36 (iv) Any other health care provider; or	35	professional; or
	36	(iv) Any other health care provider; or

2

02-05-2013 08:20:34 BPG101

(F) An individual who is incompetent, as defined in § 5-25-101. (b) Battery in the second degree is a Class D felony. /s/D. Whitaker APPROVED: 03/18/2013