## Stricken language would be deleted from and underlined language would be added to present law. Act 955 of the Regular Session

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2	State of Arkansas	As Engrossed: H3/14/17	
3	91st General Assembly	A Bill	
4	Regular Session, 2017		HOUSE BILL 2116
5			
6	By: Representative Holcomb		
7	By: Senator B. Sample		
8			
9	For An Act To Be Entitled		
10	AN ACT TO PROTECT FREIGHT RAIL EMPLOYEES AND PUBLIC		
11	TRANSIT EMPLOYEES BY ENHANCING THE PENALTIES OF		
12	CERTAIN CR	IMINAL OFFENSES; AND FOR OTHER PURPOS	ES.
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15		Subtitle	
16	TO PR	ROTECT FREIGHT RAIL EMPLOYEES AND	
17	PUBLI	IC TRANSIT EMPLOYEES BY ENHANCING THE	
18	PENAL	TIES OF CERTAIN CRIMINAL OFFENSES.	
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21	BE IT ENACTED BY THE G	ENERAL ASSEMBLY OF THE STATE OF ARKAN	SAS:
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23	SECTION 1. Arka	nsas Code § 5-4-701, concerning defin	itions used for
24	sentence enhancements, as amended by Acts 2017, No. 332, is amended to add		
25	additional subdivision		
26	<u>(6) "Cond</u>	ductor" means a conductor, switchman,	<u>brakeman,</u>
27		icensed and certified by the Federal	<u>Railroad</u>
28	Administration;		
29	_	neer" means an engineer licensed and	<u>certified by the</u>
30	<u>Federal Railroad Admin</u>		
31		ic transit employee" means a bus, rai	<u>l, or trolley</u>
32	operator tasked with the transport of persons;		
33		road or public transit employee" mean	
34		rit employee, or railroad management;	
35		Iroad management" means a rail employ	ree overseeing and
36	<u>assisting in the opera</u>	<u>tion of rail transit.</u>	

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2	SECTION 2. Arkansas Code Title 5, Chapter 4, Subchapter 7, is amended
3	to add an additional section to read as follows:
4	5-4-705. Sentence enhancement for offense targeting railroad or public
5	transit employee.
6	(a) A person is subject to an enhanced sentence under this section if
7	the person purposely selected the victim of an offense committed by the
8	person because the victim is a railroad or public transit employee.
9	(b) If a sentence enhancement is sought under this section, the
10	information or indictment shall include:
11	(1) That the sentence enhancement under this section is being
12	sought; and
13	(2) The allegations supporting the imposition of the enhanced
14	sentence under this section.
15	(c) The sentence enhancement under this section is as follows:
16	(1) If the person is convicted of a Class A misdemeanor or an
17	unclassified misdemeanor with a possible sentence greater than ninety (90)
18	days' imprisonment, an additional period of imprisonment of not more than one
19	(1) year;
20	(2) If the person is convicted of a Class C felony, Class D
21	felony, or an unclassified felony, an additional period of imprisonment of at
22	least six (6) months but no more than two (2) years; and
23	(3) If the person is convicted of a Class Y felony, Class A
24	felony, or Class B felony, an additional period of imprisonment of at least
25	two (2) years but no more than ten (10) years.
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27	/s/Holcomb
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30	APPROVED: 04/07/2017
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