

1 State of Arkansas As Engrossed: S1/31/19 H3/13/19
2 92nd General Assembly **A Bill**
3 Regular Session, 2019

SENATE BILL 109

4
5 By: Senator Irvin
6 By: Representative Murdock

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8 **For An Act To Be Entitled**

9 AN ACT TO AMEND THE OFFENSE OF BATTERY IN THE FIRST
10 DEGREE; TO DECLARE AN EMERGENCY; AND FOR OTHER
11 PURPOSES.

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14 **Subtitle**

15 TO AMEND THE OFFENSE OF BATTERY IN THE
16 FIRST DEGREE; AND TO DECLARE AN
17 EMERGENCY.

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

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22 SECTION 1. Arkansas Code § 5-13-201(c), concerning the penalties for
23 the offense of battery in the first degree, is amended to read as follows:

24 (c)(1) Except as provided in subdivisions (c)(2) and (3) of this
25 section, battery in the first degree is a Class B felony.

26 (2) Battery in the first degree is a Class Y felony under the
27 circumstances described in subdivision (a)(9) of this section.

28 (3) Battery in the first degree is a Class Y felony if the
29 injured person is a law enforcement officer or an employee of a correctional
30 facility, and is acting in the line of duty.

31 (d) As used in this section, "employee of a correctional facility"
32 means a person who is employed by or working under a professional services
33 contract with the Department of Correction or the Department of Community
34 Correction.

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36 SECTION 2. EMERGENCY CLAUSE. It is found and determined by the



1 General Assembly of the State of Arkansas that employees employed by, or who
2 are working under a professional services contract with, the Department of
3 Correction, the Department of Community Correction, or the Division of Youth
4 Services of the Department of Human Services are some of the most vulnerable
5 of all state employees given their close proximity to persons already
6 convicted of a felony offense; that violence against these employees should
7 not be tolerated; and that this act is immediately necessary because
8 protecting correctional employees from violence in the workplace is a
9 priority of the state. Therefore, an emergency is declared to exist, and this
10 act being immediately necessary for the preservation of the public peace,
11 health, and safety shall become effective on:

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

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

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

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20 /s/Irvin

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23 **APPROVED: 3/29/19**
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