

1 State of Arkansas  
2 92nd General Assembly  
3 Regular Session, 2019  
4

# A Bill

HOUSE BILL 1610

5 By: Representative Gazaway  
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## For An Act To Be Entitled

8 AN ACT AMENDING THE SENTENCING RANGE FOR THE OFFENSE  
9 OF BATTERY IN THE SECOND DEGREE; AND FOR OTHER  
10 PURPOSES.  
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## Subtitle

14 AMENDING THE SENTENCING RANGE FOR THE  
15 OFFENSE OF BATTERY IN THE SECOND DEGREE.  
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18 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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20 SECTION 1. Arkansas Code § 5-13-202 is amended to read as follows:  
21 5-13-202. Battery in the second degree.

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

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

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

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

30 (A) By means of a deadly weapon; or

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

33 (i) The person is intoxicated; or

34 (ii) The alcohol concentration in the person's  
35 breath or blood is eight-hundredths (0.08) or more based upon the definition  
36 of alcohol concentration in § 5-65-204; or



1 (4) The person knowingly, without legal justification, causes  
 2 physical injury to or incapacitates a person he or she knows to be:

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

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

8 (a)(1) "Code enforcement officer" means an  
 9 individual charged with the duty of enforcing a municipal code, municipal  
 10 ordinance, or municipal regulation as defined by a municipal code, municipal  
 11 ordinance, or municipal regulation.

12 (2) "Code enforcement officer" includes  
 13 a municipal animal control officer; and

14 (b) "Employee of a correctional facility"  
 15 includes a person working under a professional services contract with the  
 16 Department of Correction, the Department of Community Correction, or the  
 17 Division of Youth Services of the Department of Human Services;

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

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

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

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

28 (i) A physician;

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

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

33 (iv) Any other health care provider; or

34 (F) An individual who is incompetent, as defined in § 5-  
 35 25-101.

36 (b)(1) Battery in the second degree under subdivision (a)(3)(B) of

1 this section is a Class C felony.

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

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

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**APPROVED: 4/8/19**

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