

1 State of Arkansas
2 91st General Assembly
3 Regular Session, 2017
4
5 By: Senator J. Hendren
6

A Bill

SENATE BILL 20

For An Act To Be Entitled

8 AN ACT CONCERNING THE OFFENSE OF AGGRAVATED ASSAULT
9 UPON A CERTIFIED LAW ENFORCEMENT OFFICER OR AN
10 EMPLOYEE OF A CORRECTIONAL FACILITY; TO PROVIDE A
11 MORE SERIOUS PENALTY FOR KNOWINGLY DISCHARGING A
12 FIREARM AT A LAW ENFORCEMENT OFFICER IN CERTAIN
13 CIRCUMSTANCES; AND FOR OTHER PURPOSES.
14
15

Subtitle

16 CONCERNING THE OFFENSE OF AGGRAVATED
17 ASSAULT UPON A CERTIFIED LAW ENFORCEMENT
18 OFFICER OR AN EMPLOYEE OF A CORRECTIONAL
19 FACILITY; TO PROVIDE A MORE SERIOUS
20 PENALTY FOR KNOWINGLY DISCHARGING A
21 FIREARM AT A LAW ENFORCEMENT OFFICER.
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24

25 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
26

27 SECTION 1. Arkansas Code § 5-4-106(b), concerning the list of offenses
28 for which an extended post-conviction no contact order may be issued, is
29 amended to add a new subdivision to read as follows:

30 (11) Aggravated assault upon a law enforcement officer or an
31 employee of a correctional facility, § 5-13-211, if a Class Y felony.
32

33 SECTION 2. Arkansas Code § 5-4-501(c)(2)(A), concerning the list of
34 serious felonies involving violence under the habitual offender statutes, is
35 amended to add a new subdivision to read as follows:

36 (x) Aggravated assault upon a law enforcement



1 officer or an employee of a correctional facility, § 5-13-211, if a Class Y
2 felony; or

3
4 SECTION 3. Arkansas Code § 5-4-501(d)(2)(A), concerning the list of
5 felonies involving violence under the habitual offender statutes, is amended
6 to add a new subdivision to read as follows:

7 (xvi) Aggravated assault upon a law enforcement
8 officer or an employee of a correctional facility, § 5-13-211, if a Class Y
9 felony; or

10
11 SECTION 4. Arkansas Code § 5-4-501(d)(2)(A)(xv), concerning the list
12 of felonies involving violence under the habitual offender statutes, is
13 amended to read as follows:

14 (xv) A felony attempt, solicitation, or conspiracy
15 to commit:

- 16 (a) Capital murder, § 5-10-101;
- 17 (b) Murder in the first degree, § 5-10-102;
- 18 (c) Murder in the second degree, § 5-10-103;
- 19 (d) Kidnapping, § 5-11-102;
- 20 (e) Aggravated robbery, § 5-12-103;
- 21 (f) Aggravated assault upon a law enforcement

22 officer or an employee of a correctional facility, § 5-13-211, if a Class Y
23 felony;

- 24 ~~(f)~~(g) Rape, § 5-14-103;
- 25 ~~(g)~~(h) Battery in the first degree, § 5-13-
- 26 201;

27 ~~(h)~~(i) Domestic battering in the first degree,
28 § 5-26-303;

- 29 ~~(i)~~(j) Residential burglary, § 5-39-201(a); or
- 30 ~~(j)~~(k) Aggravated residential burglary, § 5-
- 31 39-204; or

32
33 SECTION 5. Arkansas Code § 5-13-211 is amended to read as follows:
34 5-13-211. Aggravated assault upon a ~~certified~~ law enforcement officer
35 or an employee of a correctional facility.

36 (a) A person commits aggravated assault upon a ~~certified~~ law

1 enforcement officer or an employee of a correctional facility if, ~~under~~:

2 (1) Under circumstances manifesting extreme indifference to the
 3 personal hygiene of the ~~certified~~ law enforcement officer or employee of the
 4 correctional facility, the person purposely engages in conduct that creates a
 5 potential danger of infection to the ~~certified~~ law enforcement officer or an
 6 employee of any state or local correctional facility while the ~~certified~~ law
 7 enforcement officer or employee of the state or local correctional facility
 8 is engaged in the course of his or her employment by causing a person whom
 9 the actor knows to be a ~~certified~~ law enforcement officer or employee of the
 10 state or local correctional facility to come into contact with saliva, blood,
 11 urine, feces, seminal fluid, or other bodily fluid by purposely throwing,
 12 tossing, expelling, or otherwise transferring the fluid or material; or

13 (2) He or she knowingly discharges a firearm with a purpose to
 14 cause serious physical injury or death to a law enforcement officer or an
 15 employee of a correctional facility while the law enforcement officer or
 16 employee of a correctional facility is acting within the scope of his or her
 17 official duties and the person:

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

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

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

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

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

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

31 (G) Is acting with a purpose to obtain a pecuniary gain;

32 or

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

35 (b) Aggravated assault upon a ~~certified~~ law enforcement officer or an
 36 employee of a correctional facility is:

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

2 or

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

4

5 SECTION 6. Arkansas Code § 5-79-101(a)(1), concerning the offenses for
6 which a person is required to have been found guilty that would prohibit the
7 person from possessing body armor, is amended to add a new subdivision to
8 read as follows:

9 (I) Aggravated assault upon a law enforcement officer or
10 an employee of a correctional facility, § 5-13-211, if a Class Y felony.

11

12 SECTION 7. Arkansas Code § 6-17-410(c), concerning offenses for which
13 a person is disqualified from being eligible to receive or hold a license as
14 teacher at an elementary or secondary educational entity, is amended to add a
15 new subdivision to read as follows:

16 (45) Aggravated assault upon a law enforcement officer or an
17 employee of a correctional facility, § 5-13-211, if a Class Y felony.

18

19 SECTION 8. Arkansas Code § 6-17-414(b), concerning offenses for which
20 a person is disqualified from employment as nonlicensed staff at an
21 educational entity, is amended to add a new subdivision to read as follows:

22 (45) Aggravated assault upon a law enforcement officer or an
23 employee of a correctional facility, § 5-13-211, if a Class Y felony.

24

25 SECTION 9. Arkansas Code § 9-27-357(a), concerning the offenses for
26 which a juvenile is required to submit to a DNA sample upon a delinquency
27 finding, is amended to add a new subdivision to read as follows:

28 (11) Aggravated assault upon a law enforcement officer or an
29 employee of a correctional facility, § 5-13-211, if a Class Y felony.

30

31 SECTION 10. Arkansas Code § 9-28-409(e)(2), concerning offenses for
32 which a person is disqualified from having direct and unsupervised contact
33 with a child in the care of a child welfare agency, is amended to add a new
34 subdivision to read as follows:

35 (K) Aggravated assault upon a law enforcement officer or
36 an employee of a correctional facility, § 5-13-211, if a Class Y felony.

1
 2 SECTION 11. Arkansas Code § 12-12-104(f)(3), concerning the definition
 3 of violent offense in regard to physical evidence in sex offense
 4 prosecutions, is amended to add a new subdivision to read as follows:

5 (Q) Aggravated assault upon a law enforcement officer or an
 6 employee of a correctional facility, § 5-13-211, if a Class Y felony.

7
 8 SECTION 12. Arkansas Code § 16-90-803(b)(2)(C)(iii)(a), concerning the
 9 weight given certain felonies under the voluntary presumptive sentencing
 10 standards, is amended to add a new subdivision to read as follows:

11 (8) Aggravated assault upon a law
 12 enforcement officer or an employee of a correctional facility, § 5-13-211, if
 13 a Class Y felony.

14
 15 SECTION 13. Arkansas Code § 16-90-803(b)(2)(C)(iii)(b)(1), concerning
 16 the weight given certain felonies under the voluntary presumptive sentencing
 17 standards, is amended to add a new subdivision to read as follows:

18 (H) Aggravated assault upon a law
 19 enforcement officer or an employee of a correctional facility, § 5-13-211, if
 20 a Class Y felony.

21
 22 SECTION 14. Arkansas Code § 16-91-110(b)(3), concerning offenses for
 23 which a court shall not release a person on bond following a conviction, is
 24 amended to read as follows:

25 (3) When a criminal defendant has been found guilty, pleaded
 26 guilty, or pleaded nolo contendere to a criminal offense of murder in the
 27 first degree, § 5-10-102, rape, § 5-14-103, aggravated robbery, § 5-12-103,
 28 aggravated assault upon a law enforcement officer or an employee of a
 29 correctional facility, § 5-13-211, if a Class Y felony, or causing a
 30 catastrophe, § 5-38-202(a), or the criminal offense of kidnapping, § 5-11-
 31 102, or arson, § 5-38-301, when classified as Class Y felonies, manufacturing
 32 methamphetamine, § 5-64-423(a) or the former § 5-64-401, and is sentenced to
 33 death or a term of imprisonment, the court shall not release the defendant on
 34 bail or otherwise pending appeal or for any reason.

35
 36 SECTION 15. Arkansas Code § 17-17-312(f), concerning offenses for

1 which a person is disqualified from being eligible to receive or hold a
 2 license as an auctioneer, is amended to add a new subdivision to read as
 3 follows:

4 (32) Aggravated assault upon a law enforcement officer or an
 5 employee of a correctional facility, § 5-13-211, if a Class Y felony.

6
 7 SECTION 16. Arkansas Code § 17-27-313(e), concerning offenses for
 8 which a person is disqualified from being eligible to receive or hold a
 9 license as a counselor, is amended to add a new subdivision to read as
 10 follows:

11 (34) Aggravated assault upon a law enforcement officer or an
 12 employee of a correctional facility, § 5-13-211, if a Class Y felony.

13
 14 SECTION 17. Arkansas Code § 17-87-312(e), concerning offenses for
 15 which a person is disqualified from being eligible to receive or hold a
 16 license as a nurse, is amended to add a new subdivision to read as follows:

17 (34) Aggravated assault upon a law enforcement officer or an
 18 employee of a correctional facility, § 5-13-211, if a Class Y felony.

19
 20 SECTION 18. Arkansas Code § 17-87-312(1)(2), concerning offenses for
 21 which a person is permanently disqualified from being eligible to receive or
 22 hold a license as a nurse, is amended to add a new subdivision to read as
 23 follows:

24 (K) Aggravated assault upon a law enforcement officer or
 25 an employee of a correctional facility, § 5-13-211, if a Class Y felony.

26
 27 SECTION 19. Arkansas Code § 17-97-312(f), concerning offenses for
 28 which a person is disqualified from being eligible to receive or hold a
 29 license as a psychologist or psychological examiner, is amended to add a new
 30 subdivision to read as follows:

31 (34) Aggravated assault upon a law enforcement officer or an
 32 employee of a correctional facility, § 5-13-211, if a Class Y felony.

33
 34 SECTION 20. Arkansas Code § 17-97-312(m)(2), concerning offenses for
 35 which a person is permanently disqualified from being eligible to receive or
 36 hold a license as a psychologist or psychological examiner, is amended to add

1 a new subdivision to read as follows:

2 (K) Aggravated assault upon a law enforcement officer or
3 an employee of a correctional facility, § 5-13-211, if a Class Y felony.

4
5 SECTION 21. Arkansas Code § 17-103-307(e), concerning offenses for
6 which a person is disqualified from being eligible to receive or hold a
7 license as a social worker, is amended to add a new subdivision to read as
8 follows:

9 (34) Aggravated assault upon a law enforcement officer or an
10 employee of a correctional facility, § 5-13-211, if a Class Y felony.

11
12 SECTION 22. Arkansas Code § 17-103-307(k)(2), concerning offenses for
13 which a person is permanently disqualified from being eligible to receive or
14 hold a license as a social worker, is amended to add a new subdivision to
15 read as follows:

16 (K) Aggravated assault upon a law enforcement officer or
17 an employee of a correctional facility, § 5-13-211, if a Class Y felony.

18
19 SECTION 23. Arkansas Code § 20-13-1106(b), concerning offenses for
20 which a person is disqualified from certification or recertification as
21 emergency medical services personnel, is amended to add a new subdivision to
22 read as follows:

23 (35) Aggravated assault upon a law enforcement officer or an
24 employee of a correctional facility, § 5-13-211, if a Class Y felony.

25
26 SECTION 24. Arkansas Code § 20-13-1106(e)(2), concerning offenses for
27 which a person is permanently disqualified from certification or
28 recertification as emergency medical services personnel, is amended to add a
29 new subdivision to read as follows:

30 (K) Aggravated assault upon a law enforcement officer or
31 an employee of a correctional facility, § 5-13-211, if a Class Y felony.

32
33 SECTION 25. Arkansas Code § 20-38-105(b), concerning offenses for
34 which a person is disqualified from employment, is amended to add a new
35 subdivision to read as follows:

36 (60) Aggravated assault upon a law enforcement officer or an

1 employee of a correctional facility, § 5-13-211, if a Class Y felony.

2
 3 SECTION 26. Arkansas Code § 20-38-105(c)(2)(A), concerning offenses
 4 for which a person is permanently disqualified from employment, is amended to
 5 add a new subdivision to read as follows:

6 (xi) Aggravated assault upon a law enforcement
 7 officer or an employee of a correctional facility, § 5-13-211, if a Class Y
 8 felony.

9
 10 SECTION 27. Arkansas Code § 21-15-102(f), concerning offenses for
 11 which a person is disqualified from employment with a state agency, is
 12 amended to add a new subdivision to read as follows:

13 (35) Aggravated assault upon a law enforcement officer or an
 14 employee of a correctional facility, § 5-13-211, if a Class Y felony.

15
 16 SECTION 28. Arkansas Code § 21-15-102(g)(2), concerning offenses for
 17 which a person is permanently disqualified from employment with a state
 18 agency, is amended to add a new subdivision to read as follows:

19 (K) Aggravated assault upon a law enforcement officer or
 20 an employee of a correctional facility, § 5-13-211, if a Class Y felony.

21
 22 SECTION 29. Arkansas Code § 21-15-103(g), concerning offenses for
 23 which a state agency shall discharge a person from employment, is amended to
 24 add a new subdivision to read as follows:

25 (34) Aggravated assault upon a law enforcement officer or an
 26 employee of a correctional facility, § 5-13-211, if a Class Y felony.

27
 28 SECTION 30. Arkansas Code § 21-15-103(h)(2), concerning offenses for
 29 which a person is permanently disqualified from employment by a state agency,
 30 is amended to add a new subdivision to read as follows:

31 (K) Aggravated assault upon a law enforcement officer or
 32 an employee of a correctional facility, § 5-13-211, if a Class Y felony.

33
 34 SECTION 31. Arkansas Code § 21-15-104(c), concerning offenses a state
 35 agency may not waive regarding the exclusion or discharge requirement of a
 36 person in a designated position, is amended to add a new subdivision to read

1 as follows:

2 (20) Aggravated assault upon a law enforcement officer or an
3 employee of a correctional facility, § 5-13-211, if a Class Y felony.

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