

Hall of the House of Representatives
93rd General Assembly - Regular Session, 2021
Amendment Form

Subtitle of House Bill No. 1646

CONCERNING THE DEFINITION OF "PERSON" IN THE ARKANSAS CRIMINAL CODE.

Amendment No. 2 to House Bill 1646

Amend House Bill No. 1646 as engrossed H3/9/21 (version: 03/09/2021 12:11:58 PM):

Delete everything after the enacting clause and substitute the following:

"SECTION 1. Arkansas Code § 5-1-102(13), concerning the definition of "person" and its application in the Arkansas Criminal Code, is amended to read as follows:

(13)(A) "Person", "actor", "defendant", "he", "she", "her", or "him" includes:

(i) Any natural person; and

(ii) When appropriate, an organization as defined in

§ 5-2-501.

(B)(i)(a) As used in §§ 5-10-101 – 5-10-105 and 5-4-604, "person" also includes an unborn child in utero at any stage of development.

(b) "Unborn child" means offspring of human beings from conception until birth.

(ii) This subdivision (13)(B) does not apply to:

(a) An act that causes the death of an unborn child in utero if the act was committed during a legal abortion to which the woman consented, including an abortion performed to remove an ectopic pregnancy or other nonviable pregnancy when the embryo is not going to develop further;

(b) An act that is committed pursuant to a usual and customary standard of medical practice during diagnostic testing or therapeutic treatment;

(c) An act that is committed in the course of medical research, experimental medicine, or an act deemed necessary to save the life or preserve the health of the woman;

(d) Assisted reproduction technology activity, procedure, or treatment; or

(e) An act occurring before transfer to the uterus of the woman of an embryo created through in vitro fertilization.

(iii) Nothing in this subdivision (13)(B) shall be construed to allow the charging or conviction of a woman with any criminal offense in the death of her own unborn child in utero;"



The Amendment was read _____
By: Representative Cloud
BPG/BPG - 03-11-2021 11:28:15
BPG418 _____ Chief Clerk