

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

1 State of Arkansas As Engrossed: H1/23/09 S2/17/09 S2/24/09

2 87th General Assembly

# A Bill

3 Regular Session, 2009

HOUSE BILL 1040

4

5 By: Representatives D. Creekmore, T. Baker, Lea, M. Martin, Nix, Pyle, L. Smith, B. Wilkins

6 By: Senators D. Johnson, Broadway, H. Wilkins

7

8

9

## 10 For An Act To Be Entitled

11 AN ACT TO AMEND THE OFFENSES OF AGGRAVATED  
12 ASSAULT AND ASSAULT IN THE FIRST DEGREE; AND FOR  
13 OTHER PURPOSES.

14

15

16

### Subtitle

17 AN ACT TO AMEND THE OFFENSES OF  
18 AGGRAVATED ASSAULT AND ASSAULT IN THE  
19 FIRST DEGREE.

20

21

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

23

24 Section 1. Arkansas Code 5-13-204 is amended to read as follows:  
25 5-13-204. Aggravated assault.

26 (a) A person commits aggravated assault if, under circumstances  
27 manifesting extreme indifference to the value of human life, he or she  
28 purposely:

29 (1) Engages in conduct that creates a substantial danger of  
30 death or serious physical injury to another person; ~~or~~

31 (2) Displays a firearm in such a manner that creates a  
32 substantial danger of death or serious physical injury to another person; ~~or~~ or

33 (3) Impedes or prevents the respiration of another person or the  
34 circulation of another person's blood by applying pressure on the throat or  
35 neck or by blocking the nose or mouth of the other person.

36 (b) Aggravated assault is a Class D felony.



1 (c) The provisions of this section do not apply to:

2 (1) A law enforcement officer acting within the scope of his or  
3 her duty; or

4 (2) ~~Any~~ A person acting in self-defense or the defense of a  
5 third party.

6  
7 Section 2. Arkansas Code 5-13-205 is amended to read as follows:  
8 5-13-205. Assault in the first degree.

9 (a) A person commits assault in the first degree if he or she:

10 (1) ~~recklessly~~ Recklessly engages in conduct that creates a  
11 substantial risk of death or serious physical injury to another person; or

12 (2) Purposely impedes or prevents the respiration of another  
13 person or the circulation of another person's blood by applying pressure on  
14 the throat or neck or by blocking the nose or mouth of the other person.

15 (b) Assault in the first degree is a Class A misdemeanor.

16 (c) It is a defense to prosecution under subdivision (a)(2) of this  
17 section if the other person consented to the impeding or prevention of his or  
18 her respiration or circulation of blood.

19  
20  
21 /s/ D. Creekmore  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36