

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
2 87th General Assembly
3 Regular Session, 2009
4

As Engrossed: H2/10/09 H2/18/09

A Bill

HOUSE BILL 1396

5 By: Representatives J. Edwards, *Adcock*
6 By: Senator Elliott
7
8

For An Act To Be Entitled

9
10 AN ACT TO MAKE THE OFFENSE OF BATTERY IN THE
11 SECOND DEGREE APPLICABLE TO THOSE WHO CAUSE
12 BODILY HARM TO ANIMAL CONTROL AND CODE
13 ENFORCEMENT OFFICERS; AND FOR OTHER PURPOSES.
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Subtitle

15
16 TO MAKE THE OFFENSE OF BATTERY IN THE
17 SECOND DEGREE APPLICABLE TO THOSE WHO
18 CAUSE BODILY HARM TO ANIMAL CONTROL AND
19 CODE ENFORCEMENT OFFICERS.
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21

22 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
23

24 SECTION 1. Arkansas Code § 5-13-202 is amended to read as
25 follows:

26 5-13-202. Battery in the second degree.

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

28 (1) With the purpose of causing physical injury to another
29 person, the person causes serious physical injury to any person;

30 (2) With the purpose of causing physical injury to another
31 person, the person causes physical injury to any person by means of a deadly
32 weapon other than a firearm;

33 (3) The person recklessly causes serious physical injury to
34 another person by means of a deadly weapon; or

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



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

5 (ii) As used in this subdivision (a)(4)(A),

6 (a) ~~“employee~~ Employee of a correctional
7 facility” includes a person working under a professional services contract
8 with the Department of Correction, the Department of Community Correction, or
9 the Division of Youth Services of the Department of Human Services; and

10 (b)(1) “Code enforcement officer” means an
11 individual charged with the duty of enforcing a municipal code, municipal
12 ordinance, or municipal regulation as defined by a municipal code, municipal
13 ordinance, or municipal regulation.

14 (2) “Code enforcement officer” includes
15 a municipal animal control officer.

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

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

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

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

26 (i) A physician;

27 (ii) A person certified as an emergency medical
28 technician, as defined in § 20-13-202;

29 (iii) A licensed or certified health care
30 professional; or

31 (iv) Any other health care provider; or

32 (F) An individual who is incompetent, as defined in § 5-
33 25-101.

34 (b) Battery in the second degree is a Class D felony.

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36 /s/ J. Edwards