

1 State of Arkansas  
2 88th General Assembly  
3 Regular Session, 2011  
4

# A Bill

HOUSE BILL 1759

5 By: Representative B. Wilkins  
6

## For An Act To Be Entitled

8 AN ACT TO INCREASE THE PENALTIES FOR AGGRAVATED  
9 ASSAULT AND MISDEMEANOR ASSAULT IF COMMITTED AGAINST  
10 CERTAIN PERSONS; AND FOR OTHER PURPOSES.  
11

## Subtitle

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13 TO INCREASE THE PENALTIES FOR AGGRAVATED  
14 ASSAULT AND MISDEMEANOR ASSAULT IF  
15 COMMITTED AGAINST CERTAIN PERSONS.  
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19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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21 SECTION 1. Arkansas Code § 5-13-204 is amended to read as follows:  
22 5-13-204. Aggravated assault.

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

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

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

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

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

34 (c) Aggravated assault is a Class C felony if the victim is:

35 (1)(A) A law enforcement officer, firefighter, code enforcement  
36 officer, or employee of a correctional facility, while acting in the scope of



1 his or her duty.

2 (B) As used in this subdivision (c)(1)(A) of this section:

3 (i) "Employee of a correctional facility" includes  
 4 without limitation a person working under a professional services contract  
 5 with the Department of Correction, the Department of Community Correction, or  
 6 the Division of Youth Services of the Department of Human Services; and

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

11 (b) "Code enforcement officer" includes  
 12 without limitation a municipal animal control officer;

13 (2) A school employee while acting in the course of employment;

14 (3) An individual sixty (60) years of age or older or twelve  
 15 (12) years of age or younger;

16 (4) While performing medical treatment or emergency medical  
 17 services or while in the course of other employment relating to his or her  
 18 medical training;

19 (A) A physician;

20 (B) A person certified as an emergency medical technician,  
 21 as defined in § 20-13-202;

22 (C) A licensed or certified health care professional; or

23 (D) Any other health care provider; or

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

25 ~~(e)(d)~~ The provisions Subsection (a) of this section ~~do~~ does not apply  
 26 to:

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

29 (2) A person acting in self-defense or the defense of a third  
 30 party.

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 32 SECTION 2. Arkansas Code § 5-13-205 is amended to read as follows:

33 5-13-205. Assault in the first degree.

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

35 (1) Recklessly engages in conduct that creates a substantial  
 36 risk of death or serious physical injury to another person; or

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

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

5 (c) Assault in the first degree is a Class D felony if the victim is:

6 (1)(A) A law enforcement officer, firefighter, code enforcement  
 7 officer, or employee of a correctional facility, while acting in the scope of  
 8 his or her duty.

9 (B) As used in this subdivision (c)(1)(A) of this section:

10 (i) "Employee of a correctional facility" includes  
 11 without limitation a person working under a professional services contract  
 12 with the Department of Correction, the Department of Community Correction, or  
 13 the Division of Youth Services of the Department of Human Services; and

14 (ii)(a) "Code enforcement officer" means an  
 15 individual charged with the duty of enforcing a municipal code, municipal  
 16 ordinance, or municipal regulation as defined by a municipal code, municipal  
 17 ordinance, or municipal regulation.

18 (b) "Code enforcement officer" includes  
 19 without limitation a municipal animal control officer;

20 (2) A school employee while acting in the course of employment;

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

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

26 (A) A physician;

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

29 (C) A licensed or certified health care professional; or

30 (D) Any other health care provider; or

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

32 ~~(e)~~(d) It is a defense to prosecution under subdivision (a)(2) of this  
 33 section if the other person consented to the impeding or prevention of his or  
 34 her respiration or circulation of blood.

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 36 SECTION 3. Arkansas Code § 5-13-206 is amended to read as follows:

1 5-13-206. Assault in the second degree.

2 (a) A person commits assault in the second degree if he or she  
3 recklessly engages in conduct that creates a substantial risk of physical  
4 injury to another person.

5 (b) Assault in the second degree is a Class B misdemeanor.

6 (c) Assault in the second degree is a Class A misdemeanor if the  
7 victim is:

8 (1)(A) A law enforcement officer, firefighter, code enforcement  
9 officer, or employee of a correctional facility, while acting in the scope of  
10 his or her duty.

11 (B) As used in this subdivision (c)(1)(A) of this section:

12 (i) "Employee of a correctional facility" includes  
13 without limitation a person working under a professional services contract  
14 with the Department of Correction, the Department of Community Correction, or  
15 the Division of Youth Services of the Department of Human Services; and

16 (ii)(a) "Code enforcement officer" means an  
17 individual charged with the duty of enforcing a municipal code, municipal  
18 ordinance, or municipal regulation as defined by a municipal code, municipal  
19 ordinance, or municipal regulation.

20 (b) "Code enforcement officer" includes  
21 without limitation a municipal animal control officer;

22 (2) A school employee while acting in the course of employment;

23 (3) An individual sixty (60) years of age or older or twelve  
24 (12) years of age or younger;

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

28 (A) A physician;

29 (B) A person certified as an emergency medical technician,  
30 as defined in § 20-13-202;

31 (C) A licensed or certified health care professional; or

32 (D) Any other health care provider; or

33 (5) An individual who is incompetent, as defined in § 5-25-101.  
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35 SECTION 4. Arkansas Code § 5-13-207 is amended to read as follows:

36 5-13-207. Assault in the third degree.

1 (a) A person commits assault in the third degree if he or she  
 2 purposely creates apprehension of imminent physical injury in another person.

3 (b) Assault in the third degree is a Class C misdemeanor.

4 (c) Assault in the third degree is a Class B misdemeanor if the victim  
 5 is:

6 (1)(A) A law enforcement officer, firefighter, code enforcement  
 7 officer, or employee of a correctional facility, while acting in the scope of  
 8 his or her duty.

9 (B) As used in this subdivision (c)(1)(A) of this section:

10 (i) "Employee of a correctional facility" includes  
 11 without limitation a person working under a professional services contract  
 12 with the Department of Correction, the Department of Community Correction, or  
 13 the Division of Youth Services of the Department of Human Services; and

14 (ii)(a) "Code enforcement officer" means an  
 15 individual charged with the duty of enforcing a municipal code, municipal  
 16 ordinance, or municipal regulation as defined by a municipal code, municipal  
 17 ordinance, or municipal regulation.

18 (b) "Code enforcement officer" includes  
 19 without limitation a municipal animal control officer;

20 (2) A school employee while acting in the course of employment;

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

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

26 (A) A physician;

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

29 (C) A licensed or certified health care professional; or

30 (D) Any other health care provider; or

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

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