

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

A Bill

HOUSE BILL 2003

5 By: Representatives Hammer, Post
6

For An Act To Be Entitled

8 AN ACT TO AMEND THE OFFENSES DOMESTIC BATTERING IN
9 THE SECOND DEGREE AND AGGRAVATED ASSAULT ON A FAMILY
10 OR HOUSEHOLD MEMBER; TO MAKE TECHNICAL CORRECTIONS;
11 AND FOR OTHER PURPOSES.
12
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Subtitle

14 TO AMEND THE OFFENSES DOMESTIC BATTERING
15 IN THE SECOND DEGREE AND AGGRAVATED
16 ASSAULT ON A FAMILY OR HOUSEHOLD MEMBER
17 AND TO MAKE TECHNICAL CORRECTIONS.
18
19
20

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

23 SECTION 1. Arkansas Code § 5-13-202 is amended to read as follows:
24 5-13-202. Battery in the second degree.

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

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

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

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

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

35 (A)(i) A law enforcement officer, firefighter, or employee
36 of a correctional facility while the law enforcement officer, firefighter,



1 code enforcement officer, or employee of a correctional facility is acting in
 2 the line of duty.

3 (ii) As used in this subdivision (a)(4)(A):

4 (a) "Employee of a correctional facility"
 5 includes a person working under a professional services contract with the
 6 Department of Correction, the Department of Community Correction, or the
 7 Division of Youth Services of the Department of Human Services; and

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

12 (2) "Code enforcement officer" includes
 13 a municipal animal control officer;

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

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

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

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

24 (i) A physician;

25 (ii) A person licensed as emergency medical services
 26 personnel, as defined in § 20-13-202;

27 (iii) A licensed or certified health care
 28 professional; or

29 (iv) Any other health care provider; or

30 (F) An individual who is incompetent, as defined in § 5-
 31 25-101-~~r~~; or

32 (5)(A) The person purposely impedes or prevents the respiration
 33 of another person or the circulation of another person's blood by:

34 (A) Applying pressure on the throat or neck of the person;
 35 or

36 (B) Blocking the nose or mouth of the person.

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

2
 3 SECTION 2. Arkansas Code § 5-13-204 is amended to read as follows:
 4 5-13-204. Aggravated assault.

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

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

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

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

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

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

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

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

21
 22 SECTION 3. Arkansas Code § 5-26-304(a), regarding the elements of the
 23 offense of domestic battering in the second degree, is amended to read as
 24 follows:

25 (a) A person commits domestic battering in the second degree if:

26 (1) With the purpose of causing physical injury to a family or
 27 household member, the person causes serious physical injury to a family or
 28 household member;

29 (2) With the purpose of causing physical injury to a family or
 30 household member, the person causes physical injury to a family or household
 31 member by means of a deadly weapon;

32 (3) The person recklessly causes serious physical injury to a
 33 family or household member by means of a deadly weapon; ~~or~~

34 (4) The person knowingly causes physical injury to a family or
 35 household member he or she knows to be sixty (60) years of age or older or
 36 twelve (12) years of age or younger; or

1 (5)(A) The person purposely impedes or prevents the respiration
2 of a family or household member or the circulation of a family or household
3 member's blood by:

4 (A) Applying pressure on the throat or neck of the family
5 or household member; or

6 (B) Blocking the nose or mouth of a family or household
7 member.

8
9 SECTION 4. Arkansas Code § 5-26-306 is amended to read as follows:

10 5-26-306. Aggravated assault on a family or household member.

11 (a) A person commits aggravated assault on a family or household
12 member if, under circumstances manifesting extreme indifference to the value
13 of human life, the person purposely:

14 (1) engages Engages in conduct that creates a substantial danger
15 of death or serious physical injury to a family or household member; or

16 (2) Displays a firearm in a manner that creates a substantial
17 danger of death or serious physical injury to a family or household member.

18 (b) Aggravated assault on a family or household member is a Class D
19 felony.