

ARKANSAS SENATE
85th General Assembly - Regular Session, 2005
Amendment Form

Subtitle of Senate Bill No. 1029

"AN ACT TO CREATE THE OFFENSE OF HOMICIDE BY CHILD ABUSE."

Amendment No. 1 to Senate Bill No. 1029.

Amend Senate Bill No. 1029 as originally introduced:

Delete everything after the enacting clause and substitute:

“SECTION 1. Arkansas Code Title 5, Chapter 10, Subchapter 1 is amended to add an additional section to read as follows:

5-10-107. Homicide by child abuse.

(a) As used in this section:

(1) "Abuse" means an act or omission defined under § 12-12-503(2) as abuse;

(2) "Child" means a child under twelve (12) years of age;

(3) "Neglect" means an act or omission defined under § 12-12-503(12) as neglect;

(4) "Pattern or practice" means one (1) or more previous episodes of similar conduct;

(5) "Sexual abuse" means an act defined under § 12-12-503(17) as sexual abuse; and

(6) "Torture" means the intentional infliction of extreme physical pain upon a child for the sole purpose of inflicting pain.

(b) A person commits the offense of homicide by child abuse if the person:

(1) Causes the death of a child while engaging in an act of torture of the child;

(2) Causes the death of a child while committing the offense of abuse or sexual abuse against the child, and the child's death occurs under circumstances that manifest an extreme indifference to human life;

(3) Causes the death of a child as a result of a pattern or practice of neglect of the child; or

(4) Knowingly aids or abets another person to commit abuse, sexual abuse, or neglect and the abuse, sexual abuse, or neglect results in the death of a child.

(c)(1) A person violating the provisions of subdivision (b)(1) of this section is guilty of a Class Y felony and upon conviction shall be punished in accordance with the laws of this state.

(2) A person violating the provisions of subdivision (b)(2) of



this section is guilty of a Class A felony and upon conviction shall be punished in accordance with the laws of this state.

(3) A person violating the provisions of subdivision (b)(3) of this section is guilty of a Class C felony and upon conviction shall be punished in accordance with the laws of this state.

(4) A person violating the provisions of subdivision (b)(4) of this section is guilty of a Class D felony and upon conviction shall be punished in accordance with the laws of this state.”

The Amendment was read the first time, rules suspended and read the second time and _____

By: Senator Malone

JSE/JSE - 03-17-2005 08:31

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Secretary