



*Arkansas
Sentencing
Commission*

**Impact Assessment for SB19
Sponsored by Senator Stubblefield**

Subtitle TO DETER ACTS OF VIOLENCE AGAINST A LAW ENFORCEMENT OFFICER, A FIREFIGHTER, A FIRST RESPONDER, OR A FAMILY MEMBER OF A LAW ENFORCEMENT OFFICER, FIREFIGHTER, OR FIRST RESPONDER; AND TO CREATE A SENTENCE ENHANCEMENT.

Impact Summary¹ Cannot be determined.

Change from current law² Amends Arkansas Code Annotated § 5-4-701, Definitions, by defining first responder and law enforcement officer. Under the proposed bill, a first responder means a firefighter or a person employed as an emergency medical provider and law enforcement officer includes prosecuting attorney or a deputy prosecuting attorney, code enforcement officer, and corrections officer.

Amends Arkansas Code Title 5, Chapter 4, Subchapter 7, by creating a new section: § 5-4-704, Sentence enhancement for offenses committed because of victim’s or a victim’s family’s personal characteristics. Under the proposed bill, a person is subject to an enhanced sentence if the person purposely selected the victim of an offense committed by the person because of the victim’s actual or perceived employment as a law enforcement officer or first responder or because the victim was the actual or perceived spouse or child of a law enforcement officer or first responder. The proposed enhancement is applied as follows: For a misdemeanor conviction, an additional fine of not more than \$5,000 and an additional term of imprisonment of up to six (6) months in county jail, to be run consecutively to any other sentence; and for a felony conviction, an additional fine of not more than \$5,000 and an additional term of imprisonment of not more than five (5) years, to be run consecutively to any other sentence.

The proposed enhancement is not available if the victim of the offense is a law enforcement officer or first responder and an element of the offense is that the victim is a law enforcement officer or first responder.

Impact Information Because this proposed bill creates a new offense, data is unavailable as to the likely number of convictions per year. Therefore, the impact of this proposed bill is undetermined.

¹ This impact assessment was prepared (1/17/2017, 12:02 p.m.) by the staff of the Arkansas Sentencing Commission pursuant to A. C. A. § 16-90-802(d)(6) with data supplied by the Arkansas Department of Correction and the Administrative Office of the Courts. A micro-simulation model may be used for bills which have the potential for significant impact on correctional resources. The following designations will be used: “minimal” = less than 10 offenders per year will be affected; “medium” = would require budgetary increases for ADC inmate costs; and “major” = would require budgetary increases for ADC inmate costs and construction costs for additional beds.

² Standard punishment ranges:

Class Y	10-40 years or life	Class C	3-10 years; up to \$10,000	Class A	Up to 1 year; up to \$2,500
Class A	6-30 years; up to \$15,000	Class D	0-6 years; up to \$10,000	Class B	Up to 90 days; up to \$1,000
Class B	5-20 years; up to \$15,000	Unclassified	As specified in statute	Class C	Up to 30 days; up to \$500

Under the proposed bill, the enhancement is not available if the victim of the offense is a law enforcement officer or first responder and an element of the offense is that the victim is a law enforcement officer or first responder. These offenses include, but are not limited to, the following:

- Capital Murder, A.C.A. § 5-10-101(a)(3),
- Battery I, A.C.A. § 5-13-201,
- Battery II, A.C.A. § 5-13-202(a)(4)(A),
- Aggravated assault on a law enforcement officer, A.C.A. § 5-13-211,
- Criminal Impersonation, A.C.A. § 5-37-208,
- Filing instrument affecting title or interest in real property, A.C.A. § 5-37-226,
- Resisting arrest, A.C.A. § 5-54-103,
- Interference with a law enforcement officer, A.C.A. § 5-54-104,
- Project a laser light on a law enforcement officer, A.C.A. § 5-54-132, and
- Terrorism – enhanced penalties, A.C.A. § 5-54-206.

Other States

Currently, Louisiana is the only state that has enacted similar legislation. There are no inmates currently serving a sentence in the Louisiana Department of Correction under this law. Colorado, Iowa, Florida, Kentucky, New York, Texas and Wisconsin have pending legislation similar to the proposed bill.