



ARKANSAS SENTENCING COMMISSION

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Impact Assessment for HB1651 Sponsored by Representative Crawford

Subtitle TO CREATE THE OFFENSE OF AGGRAVATED ASSAULT IN A PUBLIC CHANGING FACILITY.

Impact Summary¹ Minimal, affecting fewer than ten (10) offenders per year.

Change from Current Law² Amends Arkansas Code Title 5, Chapter 13, Subchapter 2 to add an additional section creating a new offense, Aggravated assault in a public changing facility. Under the proposed bill, a person commits aggravated assault in a public changing facility if he or she purposely engages in conduct that creates a substantial risk of serious physical injury to another person while in a public changing facility. The conduct included in the new offense is a Class D felony.

Under current law, the conduct is potentially criminalized under A.C.A. § 5-13-204, Aggravated assault, a Class D felony, without limitation to the location of the occurrence.

Impact Information The proposed bill creates a new offense by which a person commits Aggravated assault. The statutory elements of the proposed bill are potentially covered under existing criminal code. For this reason, the proposed bill is expected to have a minimal impact on correctional resources.

¹ This impact assessment was prepared 3/28/2023 8:41 AM 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 Corrections 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 A 6-30 years; up to \$15,000
Class B 5-20 years; up to \$15,000

Class C 3-10 years; up to \$10,000
Class D 0-6 years; up to \$10,000
Unclassified As specified in statute

Misdemeanors
Class A Up to 1 year; up to \$2,500
Class B Up to 90 days; up to \$1,000
Class C Up to 30 days; up to \$500

A.C.A. § 5-13-204. Aggravated assault.

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

- (1) Engages in conduct that creates a substantial danger of death or serious physical injury to another person;
- (2) Displays a firearm in such a manner that creates a substantial danger of death or serious physical injury to another person; or
- (3) Impedes or prevents the respiration of another person or the circulation of another person's blood by applying pressure on the chest, throat, or neck or by blocking the nose or mouth of the other person.

(b) Aggravated assault is a Class D felony.

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

- (1) A law enforcement officer acting within the scope of his or her duty; or
- (2) A person acting in self-defense or the defense of a third party.

History

Acts 1975, No. 280, § 1604; A.S.A. 1947, § 41-1604; Acts 2003, No. 1113, § 1; 2009, No. 332, § 1; 2019, No. 243, § 1.