

State of Arkansas

77th General Assembly

Regular Session, 1989

A Bill

HOUSE BILL

1341

By: Representative Wagner

For An Act To Be Entitled

"AN ACT TO AMEND TITLE 5, CHAPTER 71 OF THE ARKANSAS CODE OF 1987 TO CREATE THE CRIME OF HARASSMENT OF A RESIDENT OF A LONG TERM CARE FACILITY; AND FOR OTHER PURPOSES."

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

SECTION 1. Arkansas Code 5-71-101 is hereby amended by adding the following new subsections to read as follows:

"(10) 'long term care facility' means a nursing home, residential care facility or any other facility which provides long-term medical or personal care. For the purposes of this section, the term 'long term care facility' shall also include adult day care facilities. The definitions herein shall further be in accordance with Ark. Code Ann. 20-10-101.

(11) 'offensive physical contact' or 'offensive touching' means physical contact causing harm, embarrassment, or degradation to, or influencing or coercing unnecessary control over a resident's existing physical or mental condition.

(12) 'offensive language' means language causing embarrassment or degradation to the character of a resident of a long term care facility. Such act need not arouse immediate and violent anger from the resident.

(13) 'offensive gestures' means any gesture influencing or coercing unnecessary control over, or causing embarrassment or degradation to the character of a resident of a long term care facility. Such act need not arouse immediate and violent anger from the resident."

SECTION 2. Title 5, Chapter 71 is hereby amended by adding a new section to read as follows:

"5-71-217. Harassment of Residents of Long Term Care Facilities.

(a) Any owner, administrator, or their agents or employees, of any long term care facility who recklessly strikes, shoves, kicks, or offensively touches a resident of a long term care facility, or subjects the resident to offensive physical contact or attempts to do so shall be guilty of a Class A misdemeanor and shall be fined one thousand dollars (\$1,000.00).

(b) Any owner, administrator, or their agents or employees, of any long term care facility who directs offensive language or gestures to any resident shall be guilty of a Class B misdemeanor and shall be fined five hundred dollars (\$500.00).

(c) When any administrator, agent or employee of a long term care facility is convicted under this subchapter and that same administrator, agent, or employee was convicted under this subchapter within a twelve (12) month period prior to the conviction in question, the owner(s) of the long term care facility shall be guilty of a Class A misdemeanor."

SECTION 3. All provisions of this Act of a general and permanent nature are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code Revision Commission shall incorporate the same in the Code.

SECTION 4. All laws and parts of laws in conflict with this Act are hereby repealed.

