

1 State of Arkansas  
2 80th General Assembly  
3 Regular Session, 1995  
4 By: Representative Dietz

# A Bill

HOUSE BILL 1591

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## 7 For An Act To Be Entitled

8 "AN ACT TO ESTABLISH THE CRIME OF HOME INVASION AS A CLASS  
9 Y FELONY; AND FOR OTHER PURPOSES."

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11

### Subtitle

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"AN ACT TO ESTABLISH THE CRIME OF HOME  
INVASION AS A CLASS Y FELONY."

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

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17 SECTION 1. (a) A person who is not a law enforcement officer acting  
18 in the line of duty commits home invasion when without authority he or she  
19 knowingly enters the dwelling place of another when he or she knows or has  
20 reason to know that one or more persons is present or he or she knowingly  
21 enters the dwelling place of another and remains in such dwelling place until  
22 he or she knows or has reason to know that one or more persons is present and

23 (1) While armed with a deadly weapon as defined in Ark. Code 5-  
24 1-102 uses force or threatens the imminent use of force upon any person or  
25 persons within such dwelling place whether or not injury occurs, or

26 (2) Intentionally causes any injury to any person or persons  
27 within such dwelling place.

28 (b) It is an affirmative defense to a charge of home invasion that the  
29 accused who knowingly enters the dwelling place of another and remains in  
30 such dwelling place until he or she knows or has reason to know that one or  
31 more persons is present either immediately leaves such premises or surrenders  
32 to the person or persons lawfully present therein without either attempting  
33 to cause or causing serious bodily injury to any person present therein.

34 (c) Home invasion is a Class Y felony.

35 (d) Any person convicted under this act shall not be eligible for

1 *parole or meritorious good time credit.*

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3 SECTION 2. All provisions of this act of a general and permanent  
4 nature are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas  
5 Code Revision Commission shall incorporate the same in the Code.

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7 SECTION 3. If any provision of this act or the application thereof to  
8 any person or circumstance is held invalid, such invalidity shall not affect  
9 other provisions or applications of the act which can be given effect without  
10 the invalid provision or application, and to this end the provisions of this  
11 act are declared to be severable.

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13 SECTION 4. All laws and parts of laws in conflict with this act are  
14 hereby repealed.

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17                   */s/Rep. Dietz*

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