

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

# A Bill

HOUSE BILL 2012

## For An Act To Be Entitled

"AN ACT TO AMEND ARKANSAS CODE ANNOTATED §§ 5-13-201 AND  
5-13-202 TO FURTHER DEFINE THE OFFENSES OF BATTERY IN THE  
FIRST AND SECOND DEGREES; AND FOR OTHER PURPOSES."

## Subtitle

"TO FURTHER DEFINE THE OFFENSES OF  
BATTERY IN THE FIRST AND SECOND DEGREES"

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

SECTION 1. Arkansas Code Annotated § 5-13-201 is amended to read as follows:

"5-13-201. Battery in the first degree.

(a) A person commits battery in the first degree if:

(1) With the purpose of causing serious physical injury to another person, he causes serious physical injury to any person by means of a deadly weapon; or with the purpose of causing physical injury to another person he causes physical injury to any person by means of a firearm; or

(2) With the purpose of seriously and permanently disfiguring another person or of destroying, amputating, or permanently disabling a member or organ of his body, he causes such an injury to any person; or

(3) He causes serious physical injury to another person under circumstances manifesting extreme indifference to the value of human life; or

(4) Acting alone or with one (1) or more other persons, he commits or attempts to commit a felony, and in the course of and in furtherance of the felony, or in immediate flight therefrom:

(A) He or an accomplice causes serious physical injury to any person under circumstances manifesting extreme indifference to the value

1 of human life; or

2 (B) Another person who is resisting the offense or flight  
3 causes serious physical injury to any person; or

4 (5)(A) He causes physical injury to a pregnant woman in the  
5 commission of a felony or a Class A misdemeanor causing her to suffer a  
6 miscarriage or stillbirth as a result of that injury; or

7 (B) He recklessly causes physical injury to a pregnant  
8 woman or causes physical injury to a pregnant woman under circumstances  
9 manifesting extreme indifference to the value of human life causing her to  
10 suffer a miscarriage or stillbirth as a result of that injury.

11 (C) As used in subdivision (a)(5), unless the context  
12 otherwise requires:

13 (i) Physical injury means the impairment of  
14 physical condition, including, but not limited to, the inability to complete  
15 a full-term pregnancy, as defined by the pregnant woman's physician, or the  
16 infliction of substantial pain;

17 (ii) Miscarriage means the interruption of the  
18 normal development of the fetus, other than by a live birth and which is not  
19 an induced abortion, resulting in the complete expulsion or extraction of a  
20 fetus from a pregnant woman; and

21 (iii) Stillbirth means the death of a fetus prior  
22 to the complete expulsion or extraction from its mother, irrespective of the  
23 duration of pregnancy and which is not an induced abortion; and death is  
24 manifested by the fact that after the expulsion or extraction, the fetus does  
25 not breathe spontaneously or show other evidence of life such as heart beat,  
26 pulsation of the umbilical cord, or definite movement of voluntary muscles.

27 (b) It is an affirmative defense in any prosecution under subdivision  
28 (a)(4) of this section in which the defendant was not the only participant  
29 that the defendant:

30 (1) Did not commit the battery or in any way solicit, command,  
31 induce, procure, counsel, or aid its commission; and

32 (2) Was not armed with a deadly weapon; and

33 (3) Reasonably believed that no other participant was armed with  
34 a deadly weapon; and

35 (4) Reasonably believed that no other participant intended to

1 engage in conduct which could result in serious physical injury.

2 (c) Battery in the first degree is a Class B felony."

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5 SECTION 2. Arkansas Code Annotated § 5-13-202 is amended to read as  
6 follows:

7 "5-13-202. Battery in the second degree.

8 (a) A person commits battery in the second degree if:

9 (1) With the purpose of causing physical injury to another  
10 person, he causes serious physical injury to any person;

11 (2) With the purpose of causing physical injury to another  
12 person, he causes physical injury to any person by means of a deadly weapon  
13 other than a firearm;

14 (3) He recklessly causes serious physical injury to another  
15 person by means of a deadly weapon; or

16 (4) He intentionally or knowingly without legal justification  
17 causes physical injury to one he knows to be:

18 (A) A law enforcement officer or fire fighter, while such  
19 officer or fire fighter is acting in the line of duty;

20 (B) A teacher or other person employed in any school, and  
21 the teacher or other employee is upon the grounds of the school or grounds  
22 adjacent thereto or is in any part of a building used for school purposes;

23 (C) An individual sixty (60) years of age or older or  
24 twelve (12) years of age or younger;

25 (D) An officer or employee of the state while the officer  
26 or employee is acting in the performance of his lawful duty.

27 (E) *A person certified as an emergency medical technician*  
28 *as defined in Ark. Code 20-13-202 or any other licensed or certified health*  
29 *care professional while performing emergency medical services.*

30 (b) Battery in the second degree is a Class D felony."

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

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1           SECTION 4. If any provision of this act or the application thereof to  
2 any person or circumstance is held invalid, such invalidity shall not affect  
3 other provisions or applications of the act which can be given effect without  
4 the invalid provision or application, and to this end the provisions of this  
5 act are declared to be severable.

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7           SECTION 5. All laws and parts of laws in conflict with this act are  
8 hereby repealed.

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*/s/Rep. Vess*

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