

Stricken language would be deleted from present law. Underlined language would be added to present law.

1 State of Arkansas  
2 81st General Assembly  
3 Regular Session, 1997

As Engrossed: H3/26/97

## A Bill

HOUSE BILL 2188

4  
5 By: Representative Booker

### For An Act To Be Entitled

9 "AN ACT TO AMEND ARKANSAS CODE 5-13-201 TO DISTINGUISH  
10 BETWEEN SERIOUS PHYSICAL INJURY AND CATASTROPHIC PHYSICAL  
11 INJURY ; TO DEFINE CATASTROPHIC PHYSICAL INJURY AND TO  
12 ENHANCE THE CRIMINAL PENALTY FOR BATTERY RESULTING IN  
13 CATASTROPHIC PHYSICAL INJURY ; AND FOR OTHER PURPOSES."

### Subtitle

15 "THE CURTIS PETERSON CATASTROPHIC INJURY  
16 ACT."  
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18  
19 WHEREAS, certain violent battery crimes result in: (1) dramatic economic  
20 losses to victims, and to their families, including medical bills, loss of  
21 employment, and loss of ability to earn a living; and

22 WHEREAS, certain violent battery crimes result in: (2) physical  
23 impairment which is permanent, involving increased risk of death or continuing  
24 medical bills, and loss of enjoyment of life; and

25 WHEREAS, certain violent battery crimes result in: (3) a dramatic impact  
26 on the services and capacity of medical professionals and hospitals,

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28 NOW THEREFORE,

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

30

31 SECTION 1. Arkansas Code 5-13-201(a) is amended to read as  
32 follows:

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

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

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

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

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

10 (A) He or an accomplice causes serious physical injury or  
11 catastrophic injury to any person under circumstances manifesting  
12 extreme indifference to the value of human life; or

13 (B) Another person who is resisting the offense or flight  
14 causes serious physical injury or catastrophic physical injury to any  
15 person; or

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

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

23 (C) As used in this subdivision (a)(5), unless the context  
24 otherwise requires:

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

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

33 (iii) Stillbirth means the death of a fetus prior to the  
34 complete expulsion or extraction from its mother, irrespective of the  
35 duration of pregnancy and which is not an induced abortion, and death is  
36 manifested by the fact that after the expulsion or extraction, the fetus

1 does not breathe spontaneously or show other evidence of life such as  
2 heart beat, pulsation of the umbilical cord, or definite movement of  
3 voluntary muscles; or

4 (6) He intentionally or knowingly without legal justification  
5 causes serious physical injury to one he knows to be twelve (12) years  
6 of age or younger; or

7 (7) With the purpose of causing physical injury to another person  
8 he causes physical injury to any person by means of a firearm."  
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10 SECTION 2. Arkansas Code 5-13-201(c) is amended to read as  
11 follows:

12 "(c) Battery in the first degree is a Class B felony, except  
13 where catastrophic physical injury is a direct result of the battery and  
14 the injury to the victim manifests itself either immediately or within  
15 six (6) months of the injury, in which case such battery in the first  
16 degree is a Class Y felony."  
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18 SECTION 3. Arkansas Code 5-13-201 is amended to add subsection  
19 (d) as follows:

20 "(d) Catastrophic injury within the meaning of subsections (a)  
21 and (3) of 5-13-201 means:

22 (1) an injury resulting in the permanent and total  
23 incapacitation of the victim which requires the permanent use of life  
24 support systems; or

25 (2) an injury to the victim which results in permanent  
26 paralysis."  
27

28 SECTION 4. All provisions of this act of a general and permanent  
29 nature are amendatory to the Arkansas Code of 1987 Annotated and the  
30 Arkansas Code Revision Commission shall incorporate the same in the  
31 Code.  
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33 SECTION 5. If any provision of this act or the application  
34 thereof to any person or circumstance is held invalid, such invalidity  
35 shall not affect other provisions or applications of the act which can  
36 be given effect without the invalid provision or application, and to

1 this end the provisions of this act are declared to be severable.

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3 SECTION 6. All laws and parts of laws in conflict with this act  
4 are hereby repealed.

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*/s/Rep. Booker*

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