

State of Arkansas
83rd General Assembly
Regular Session, 2001

A Bill

SENATE BILL 514

By: Senators Wooldridge, Horn

For An Act To Be Entitled

AN ACT TO AMEND VARIOUS SECTIONS OF THE ARKANSAS CODE
RELATING TO CHILD MALTREATMENT; AND FOR OTHER
PURPOSES.

Subtitle

AN ACT TO AMEND VARIOUS SECTIONS OF THE
ARKANSAS CODE RELATING TO CHILD
MALTREATMENT.

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

SECTION 1. Arkansas Code 12-12-503(2)(B) is amended to read as follows:

(B)(i) "Abuse" shall not include physical discipline of a child when it is reasonable and moderate and is inflicted by a parent, ~~or~~ guardian, or an employee of an entity licensed by the Child Welfare Agency Review Board created by § 9-28-403 and entrusted with the teaching, caring for, or supervision of children, for purposes of restraining or correcting the child.

(ii) The following actions are not reasonable or moderate when used to correct or restrain a child:

(a) Throwing, kicking, burning, biting, or cutting a child;

(b) Striking a child with a closed fist;

(c) Shaking a child under age three (3);

(d) Striking or other actions which result in any nonaccidental injury to a child under the age of eighteen (18) months;

(e) Interfering with a child's breathing;

(f) Threatening a child with a deadly weapon;
 (g) Striking a child on the face; or
 (h) Doing any other act that is likely to
 cause, and which does cause, bodily harm greater than transient pain or minor
 temporary marks.

(iii) The age, size, and condition of the child, and
 the location of the injury and the frequency or recurrence of injuries shall
 be considered when determining whether the bodily harm is reasonable or
 moderate.

(iv) This list is illustrative of unreasonable action
 and is not intended to be exclusive; however, nothing in this section shall be
construed to permit a finding of abuse unless the conditions described in §
12-12-503(2)(A) are also present;