

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

1 State of Arkansas  
2 85th General Assembly  
3 Regular Session, 2005

# A Bill

HOUSE BILL 2525

4  
5 By: Representative J. Martin  
6  
7

## For An Act To Be Entitled

9 AN ACT TO ENHANCE THE PENALTIES FOR ENDANGERING  
10 THE WELFARE OF A MINOR; TO CREATE THE OFFENSE OF  
11 ENDANGERING THE WELFARE OF A MINOR IN THE THIRD  
12 DEGREE; AND FOR OTHER PURPOSES.

## Subtitle

13  
14 AN ACT TO ENHANCE THE PENALTIES FOR  
15 ENDANGERING THE WELFARE OF A MINOR AND  
16 TO CREATE THE OFFENSE OF ENDANGERING THE  
17 WELFARE OF A MINOR IN THE THIRD DEGREE.  
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19  
20

21 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
22

23 SECTION 1. Arkansas Code § 5-27-203 is amended to read as follows:  
24 5-27-203. Endangering welfare of minor - First degree.

25 (a) A person commits the offense of endangering the welfare of a minor  
26 in the first degree if, he or she:

27 (1) Purposely engages in conduct creating a substantial risk of  
28 death or serious physical injury to a minor; or

29 (2) ~~being~~ Being a parent, guardian, person legally charged with  
30 care or custody of a minor, or a person charged with supervision of a minor,  
31 he or she purposely deserts a minor less than ten (10) years old under  
32 circumstances creating a substantial risk of death or serious physical  
33 injury.

34 (b)(1) Endangering the welfare of a minor in the first degree is a  
35 Class D felony.

36 (2) Endangering the welfare of a minor in the first degree is a



1 Class C felony if within the past five (5) years the person:

2 (A) Plead guilty or nolo contendere to, or has been  
3 found guilty of:

4 (i) Endangering the welfare of a minor in the first  
5 degree;

6 (ii) Endangering the welfare of a minor in the  
7 second degree; or

8 (iii) Endangering the welfare of a minor in the  
9 third degree; or

10 (B) Violated an equivalent penal law of another state or  
11 foreign jurisdiction.

12 (c)(1) It shall be an affirmative defense to prosecution under this  
13 section that the parent voluntarily delivered the child to and left the child  
14 with, or voluntarily arranged for another person to deliver the child to and  
15 leave the child with, a medical provider or law enforcement agency as  
16 provided in § 9-34-201 et seq.

17 (2) Nothing in subdivision (c)(1) of this section shall be  
18 construed to create a defense to any prosecution arising from any conduct  
19 other than the act of delivering the child as described above, and  
20 subdivision (c)(1) of this section specifically shall not constitute a  
21 defense to any prosecution arising from an act of abuse or neglect committed  
22 prior to the delivery of the child to a medical provider or law enforcement  
23 agency as provided in § 9-34-201 et seq.

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25 SECTION 2. Arkansas Code § 5-27-204 is amended to read as follows:  
26 5-27-204. Endangering welfare of minor - Second degree.

27 (a) A person commits the offense of endangering the welfare of a minor  
28 in the second degree if he or she knowingly engages in conduct creating a  
29 substantial risk of serious harm to the physical or mental welfare of one  
30 known by the actor to be a minor.

31 (b)(1) Endangering the welfare of a minor in the second degree is a  
32 Class A misdemeanor.

33 (2) Endangering the welfare of a minor in the second degree is a  
34 Class D felony if within the past five (5) years the person:

35 (A) Plead guilty or nolo contendere to, or has been  
36 found guilty of:

- 1                                   (i) Endangering the welfare of a minor in the first
- 2 degree;
- 3                                   (ii) Endangering the welfare of a minor in the
- 4 second degree; or
- 5                                   (iii) Endangering the welfare of a minor in the
- 6 third degree; or
- 7                                   (B) Violated an equivalent penal law of another state or
- 8 foreign jurisdiction.

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10           SECTION 3. Arkansas Code Title 5, Chapter 27, Subchapter 2 is amended

11 to add an additional section to read as follows:

12           5-27-231. Endangering the welfare of a minor – Third degree.

13           (a) A person commits the offense of endangering the welfare of a minor

14 in the third degree if the person recklessly engages in conduct creating a

15 substantial risk of serious harm to the physical or mental welfare of one

16 known by the actor to be a minor.

17           (b)(1) Endangering the welfare of a minor in the third degree is a

18 Class B misdemeanor.

19           (2) Endangering the welfare of a minor in the third degree is a

20 Class A misdemeanor if within the past five (5) years the person:

21                                   (A) Pleaded guilty or nolo contendere to, or has been

22 found guilty of:

- 23                                   (i) Endangering the welfare of a minor in the first
- 24 degree;
- 25                                   (ii) Endangering the welfare of a minor in the
- 26 second degree; or
- 27                                   (iii) Endangering the welfare of a minor in the
- 28 third degree; or
- 29                                   (B) Violated an equivalent penal law of another state or
- 30 foreign jurisdiction.