

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 2616

4
5 By: Representative J. Martin
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For An Act To Be Entitled

8
9 AN ACT TO ENHANCE THE PENALTIES FOR ENDANGERING
10 THE WELFARE OF AN INCOMPETENT PERSON; TO CREATE
11 THE OFFENSE OF ENDANGERING THE WELFARE OF AN
12 INCOMPETENT PERSON IN THE THIRD DEGREE; AND FOR
13 OTHER PURPOSES.
14

Subtitle

15
16 AN ACT TO ENHANCE THE PENALTIES FOR
17 ENDANGERING THE WELFARE OF AN
18 INCOMPETENT PERSON AND TO CREATE THE
19 OFFENSE OF ENDANGERING THE WELFARE OF AN
20 INCOMPETENT PERSON IN THE THIRD DEGREE.
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23 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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25 SECTION 1. Arkansas Code § 5-27-201 is amended to read as follows:

26 5-27-201. Endangering welfare of incompetent person - First degree.

27 (a) A person commits the offense of endangering the welfare of an
28 incompetent person in the first degree if, he or she:

29 (1) Purposely engages in conduct creating a substantial risk of
30 death or serious physical injury to an incompetent person; or

31 (2) ~~being~~ Being a parent, guardian, person legally charged with
32 care or custody of an incompetent person, or a person charged with
33 supervision of an incompetent person, he or she purposely deserts the
34 incompetent person under circumstances creating a substantial risk of death
35 or serious physical injury.

36 (b)(1) Endangering the welfare of an incompetent person in the first



1 degree is a Class D felony.

2 (2) Endangering the welfare of an incompetent person in the
3 first degree is a Class C felony if within the past five (5) years the
4 person:

5 (A) Pleaded guilty or nolo contendere to, or has been
6 found guilty of:

7 (i) Endangering the welfare of an incompetent person
8 in the first degree;

9 (ii) Endangering the welfare of an incompetent
10 person in the second degree; or

11 (iii) Endangering the welfare of an incompetent
12 person in the third degree; or

13 (B) Pleaded guilty or nolo contendere to, or has been
14 found guilty of a penal law of another state or foreign jurisdiction
15 equivalent to the offenses in subdivisions (b)(2)(A)(i) – (iii) of this
16 section.

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18 SECTION 2. Arkansas Code § 5-27-202 is amended to read as follows:
19 5-27-202. Endangering welfare of incompetent person - Second degree.

20 (a) A person commits the offense of endangering the welfare of an
21 incompetent person in the second degree if he or she knowingly engages in
22 conduct creating a substantial risk of serious harm to the physical or mental
23 welfare of a person known by the actor to be an incompetent person.

24 (b)(1) Endangering the welfare of an incompetent person in the second
25 degree is a Class A misdemeanor.

26 (2) Endangering the welfare of an incompetent person in the
27 second degree is a Class D felony if within the past five (5) years the
28 person:

29 (A) Pleaded guilty or nolo contendere to, or has been
30 found guilty of:

31 (i) Endangering the welfare of an incompetent person
32 in the first degree;

33 (ii) Endangering the welfare of an incompetent
34 person in the second degree; or

35 (iii) Endangering the welfare of an incompetent
36 person in the third degree; or

1 (B) Plead guilty or nolo contendere to, or has been
2 found guilty of a penal law of another state or foreign jurisdiction
3 equivalent to the offenses in subdivisions (b)(2)(A)(i) – (iii) of this
4 section.

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6 SECTION 3. Arkansas Code Title 5, Chapter 27, Subchapter 2 is amended
7 to add an additional section to read as follows:

8 5-27-231. Endangering the welfare of incompetent person – Third
9 degree.

10 (a) A person commits the offense of endangering the welfare of an
11 incompetent person in the third degree if the person recklessly engages in
12 conduct creating a substantial risk of serious harm to the physical or mental
13 welfare of a person known by the actor to be an incompetent person.

14 (b)(1) Endangering the welfare of an incompetent person in the third
15 degree is a Class B misdemeanor.

16 (2) Endangering the welfare of an incompetent person in the
17 third degree is a Class A misdemeanor if within the past five (5) years the
18 person:

19 (A) Plead guilty or nolo contendere to, or has been
20 found guilty of:

21 (i) Endangering the welfare of an incompetent person
22 in the first degree;

23 (ii) Endangering the welfare of an incompetent
24 person in the second degree; or

25 (iii) Endangering the welfare of an incompetent
26 person in the third degree; or

27 (B) Plead guilty or nolo contendere to, or has been
28 found guilty of a penal law of another state or foreign jurisdiction
29 equivalent to the offenses in subdivisions (b)(2)(A)(i) – (iii) of this
30 section.

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