

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  
4

As Engrossed: H3/30/05

# A Bill

HOUSE BILL 2616

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

8  
9 AN ACT TO CLARIFY THE REQUIREMENTS FOR THE  
10 OFFENSE OF ENDANGERING THE WELFARE OF AN  
11 INCOMPETENT PERSON IN THE FIRST DEGREE; TO CREATE  
12 THE OFFENSE OF ENDANGERING THE WELFARE OF AN  
13 INCOMPETENT PERSON IN THE THIRD DEGREE; AND FOR  
14 OTHER PURPOSES.  
15

## Subtitle

16  
17 AN ACT TO CLARIFY THE REQUIREMENTS FOR  
18 THE OFFENSE OF ENDANGERING THE WELFARE  
19 OF AN INCOMPETENT PERSON IN THE FIRST  
20 DEGREE AND TO CREATE THE OFFENSE OF  
21 ENDANGERING THE WELFARE OF AN  
22 INCOMPETENT PERSON IN THE THIRD DEGREE.  
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24

25 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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27 SECTION 1. Arkansas Code § 5-27-201 is amended to read as follows:

28 5-27-201. Endangering welfare of incompetent person - First degree.

29 (a) A person commits the offense of endangering the welfare of an  
30 *incompetent person in the first degree if, being a parent, guardian, person*  
31 *legally charged with care or custody of an incompetent person, or a person*  
32 *charged with supervision of an incompetent person, he or she purposely:*

33 (1) Engages in conduct creating a substantial risk of death or  
34 serious physical injury to an incompetent person; or

35 (2) ~~deserts~~ Deserts the incompetent person under circumstances  
36 creating a substantial risk of death or serious physical injury.



1 (b) Endangering the welfare of an incompetent person in the first degree  
2 is a Class D felony.

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4 SECTION 2. Arkansas Code § 5-27-202 is amended to read as follows:

5 5-27-202. Endangering welfare of incompetent person - Second degree.

6 (a)(1) A person commits the offense of endangering the welfare of an  
7 incompetent person in the second degree if he or she knowingly engages in  
8 conduct creating a substantial risk of serious harm to the physical or mental  
9 welfare of a person known by the actor to be an incompetent person.

10 (2) As used in this section, "serious harm to the physical or  
11 mental welfare of a person" means physical or mental injury that causes  
12 protracted disfigurement, protracted impairment of physical or mental health,  
13 or loss or protracted impairment of the function of any bodily member or  
14 organ.

15 (b) Endangering the welfare of an incompetent person in the second  
16 degree is a Class A misdemeanor.

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

20 5-27-231. Endangering the welfare of incompetent person – Third  
21 degree.

22 (a)(1) A person commits the offense of endangering the welfare of an  
23 incompetent person in the third degree if the person recklessly engages in  
24 conduct creating a substantial risk of serious harm to the physical or mental  
25 welfare of a person known by the actor to be an incompetent person.

26 (2) As used in this section, "serious harm to the physical or  
27 mental welfare of a person" means physical or mental injury that causes  
28 protracted disfigurement, protracted impairment of physical or mental health,  
29 or loss or protracted impairment of the function of any bodily member or  
30 organ.

31 (b) Endangering the welfare of an incompetent person in the third  
32 degree is a Class B misdemeanor.

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35 /s/ J. Martin  
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