

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

SENATE BILL 1029

4
5 By: Senator Malone
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For An Act To Be Entitled

8
9 AN ACT TO CREATE THE OFFENSE OF HOMICIDE BY CHILD
10 ABUSE; AND FOR OTHER PURPOSES.
11

Subtitle

12
13 AN ACT TO CREATE THE OFFENSE OF HOMICIDE
14 BY CHILD ABUSE.
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17 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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19 SECTION 1. Arkansas Code Title 5, Chapter 10, Subchapter 1 is amended
20 to add an additional section to read as follows:

21 5-10-107. Homicide by child abuse.

22 (a) As used in this section:

23 (1) "Child abuse or neglect" means an act or omission by any
24 person that causes harm to a child's physical health or welfare; and

25 (2) "Harm to a child's physical health or welfare" means:

26 (A) Inflicting or allowing to be inflicted upon a child
27 physical injury including injuries sustained as a result of excessive
28 corporal punishment;

29 (B) Failing to supply a child with adequate food,
30 clothing, shelter, or health care and the failure to do so causes a physical
31 injury or condition resulting in death; or

32 (C) Abandoning a child resulting in the child's death.

33 (b) A person commits the offense of homicide by child abuse if the
34 person knowingly:

35 (1) Causes the death of a child under eleven (11) years of age
36 while committing child abuse or neglect and the death occurs under



1 circumstances manifesting an extreme indifference to human life;

2 (2) Causes the death of a child under eleven (11) years of age
3 while committing child abuse or neglect; or

4 (3) Aids and abets another person to commit child abuse or
5 neglect and the child abuse or neglect results in the death of a child under
6 eleven (11) years of age.

7 (c)(1) A person violating the provisions of subdivision (b)(1) of this
8 section is guilty of a Class A felony and upon conviction shall be punished
9 in accordance with the laws of this state.

10 (2) A person violating the provisions of subdivision (b)(2) of
11 this section is guilty of a Class B felony and upon conviction shall be
12 punished in accordance with the laws of this state.

13 (3) A person violating the provisions of subdivision (b)(3) of
14 this section is guilty of a Class C felony and upon conviction shall be
15 punished in accordance with the laws of this state.

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