

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

As Engrossed: S3/18/05

A Bill

SENATE BILL 1029

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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) "Abuse" means an act or omission defined under § 12-12-*
24 *503(2) as abuse;*

25 *(2) "Child" means a child under twelve (12) years of age;*

26 *(3) "Neglect" means an act or omission defined under § 12-12-*
27 *503(12) as neglect;*

28 *(4) "Pattern or practice" means one (1) or more previous*
29 *episodes of similar conduct;*

30 *(5) "Sexual abuse" means an act defined under § 12-12-503(17) as*
31 *sexual abuse; and*

32 *(6) "Torture" means the intentional infliction of extreme*
33 *physical pain upon a child for the sole purpose of inflicting pain.*

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

36 *(1) Causes the death of a child while engaging in an act of*



1 torture of the child;

2 (2) Causes the death of a child while committing the offense of
3 abuse or sexual abuse against the child, and the child's death occurs under
4 circumstances that manifest an extreme indifference to human life;

5 (3) Causes the death of a child as a result of a pattern or
6 practice of neglect of the child; or

7 (4) Knowingly aids or abets another person to commit abuse,
8 sexual abuse, or neglect and the abuse, sexual abuse, or neglect results in
9 the death of a child.

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

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

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

19 (4) A person violating the provisions of subdivision (b)(4) of
20 this section is guilty of a Class D felony and upon conviction shall be
21 punished in accordance with the laws of this state.

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23 /s/ Malone
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