

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 86th General Assembly
3 Regular Session, 2007

A Bill

HOUSE BILL 2257

4
5 By: Representative E. Brown
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For An Act To Be Entitled

9 AN ACT TO AMEND ARKANSAS CODE § 5-13-201
10 CONCERNING THE OFFENSE OF BATTERY IN THE FIRST
11 DEGREE; TO INCREASE THE PENALTY CLASSIFICATION
12 FOR BATTERY IN THE FIRST DEGREE IF THE VICTIM IS
13 FOUR (4) YEARS OF AGE OR YOUNGER UNDER CERTAIN
14 CIRCUMSTANCES; AND FOR OTHER PURPOSES.

Subtitle

15
16 TO AMEND ARKANSAS CODE § 5-13-201
17 CONCERNING THE OFFENSE OF BATTERY IN THE
18 FIRST DEGREE AND TO INCREASE THE PENALTY
19 CLASSIFICATION FOR BATTERY IN THE FIRST
20 DEGREE IF THE VICTIM IS FOUR (4) YEARS
21 OF AGE OR YOUNGER.
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25 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

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27 SECTION 1. Arkansas Code § 5-13-201 is amended to read as follows:
28 5-13-201. Battery in the first degree.

29 (a) A person commits battery in the first degree if:

30 (1) With the purpose of causing serious physical injury to
31 another person, the person causes serious physical injury to any person by
32 means of a deadly weapon;

33 (2) With the purpose of seriously and permanently disfiguring
34 another person or of destroying, amputating, or permanently disabling a
35 member or organ of that other person's body, the person causes such an injury
36 to any person;



1 (3) The person causes serious physical injury to another person
2 under circumstances manifesting extreme indifference to the value of human
3 life;

4 (4) Acting alone or with one (1) or more other persons:

5 (A) The person commits or attempts to commit a felony; and

6 (B) In the course of and in furtherance of the felony or
7 in immediate flight from the felony:

8 (i) The person or an accomplice causes serious
9 physical injury to any person under circumstances manifesting extreme
10 indifference to the value of human life; or

11 (ii) Another person who is resisting the felony or
12 flight causes serious physical injury to any person;

13 (5) With the purpose of causing serious physical injury to an
14 unborn child or to a woman who is pregnant with an unborn child, the person
15 causes serious physical injury to the unborn child;

16 (6) The person knowingly causes physical injury to a pregnant
17 woman in the commission of a felony or a Class A misdemeanor, and in so
18 doing, causes serious physical injury to the pregnant woman's unborn child,
19 and the unborn child is subsequently born alive;

20 (7) The person intentionally or knowingly, without legal
21 justification, causes serious physical injury to a person he or she knows to
22 be twelve (12) years of age or younger; ~~or~~

23 (8) With the purpose of causing physical injury to another
24 person, the person causes physical injury to any person by means of a
25 firearm; or

26 (9) The person knowingly causes serious physical injury to any
27 person four (4) years of age or younger under circumstances manifesting
28 extreme indifference to the value of human life.

29 (b) It is an affirmative defense in any prosecution under subdivision
30 (a)(4) of this section in which the defendant was not the only participant
31 that the defendant:

32 (1) Did not commit the battery or in any way solicit, command,
33 induce, procure, counsel, or aid the battery's commission;

34 (2) Was not armed with a deadly weapon;

35 (3) Reasonably believed that no other participant was armed with
36 a deadly weapon; and

1 (4) Reasonably believed that no other participant intended to
2 engage in conduct that could result in serious physical injury.

3 (c)(1) Battery Except as provided in subdivision (c)(2) of this
4 section, battery in the first degree is a Class B felony.

5 (2) Battery in the first degree is a Class Y felony under the
6 circumstances described in subdivision (a)(9) of this section.

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