

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

SENATE BILL 556

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5 By: Senator Broadway
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For An Act To Be Entitled

8
9 AN ACT TO INCREASE THE PENALTY CLASSIFICATION FOR
10 BATTERY IN THE FIRST DEGREE IF THE VICTIM IS A
11 LAW ENFORCEMENT OFFICER ACTING IN THE LINE OF
12 DUTY; AND FOR OTHER PURPOSES.
13

Subtitle

14
15 TO INCREASE THE PENALTY CLASSIFICATION
16 FOR BATTERY IN THE FIRST DEGREE IF THE
17 VICTIM IS A LAW ENFORCEMENT OFFICER
18 ACTING IN THE LINE OF DUTY.
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21 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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23 SECTION 1. This act shall be known and may be cited as "Corporal Scott
24 Baxter's Law".
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26 SECTION 2. Arkansas Code § 5-13-201 is amended to read as follows:
27 5-13-201. Battery in the first degree.

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

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

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

36 (3) The person causes serious physical injury to another person



1 under circumstances manifesting extreme indifference to the value of human
2 life;

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

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

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

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

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

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

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

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

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

25 (9) The person knowingly causes serious physical injury to a law
26 enforcement officer acting in the line of duty.

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

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

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

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

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

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

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

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