

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  
4

*As Engrossed: S3/12/07*

# A Bill

SENATE BILL 556

5 By: Senator Broadway  
6  
7

## For An Act To Be Entitled

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

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.  
19  
20

21 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
22

23 SECTION 1. This act shall be known and may be cited as "Corporal Scott  
24 Baxter's Law".  
25

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.*

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

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

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

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

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

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

