

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 968

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5 By: Senator Hendren
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For An Act To Be Entitled

8
9 AN ACT TO INCREASE THE PENALTY CLASSIFICATION FOR
10 THE OFFENSE OF BATTERY IN THE FIRST DEGREE; AND
11 FOR OTHER PURPOSES.
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Subtitle

13
14 TO INCREASE THE PENALTY CLASSIFICATION
15 FOR THE OFFENSE OF BATTERY IN THE FIRST
16 DEGREE.
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19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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21 SECTION 1. Arkansas Code § 5-13-201 is amended to read as follows:
22 5-13-201. Battery in the first degree.

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

24 (1) With the purpose of causing serious physical injury to
25 another person, the person causes serious physical injury to any person by
26 means of a deadly weapon;

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

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

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

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

36 (B) In the course of and in furtherance of the felony or



1 in immediate flight from the felony:

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

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

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

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

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

17 (8) With the purpose of causing physical injury to another
18 person, the person causes physical injury to any person by means of a
19 firearm.

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

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

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

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

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

30 (c) Battery in the first degree is a ~~Class B felony~~ Class A felony.

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