

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 87th General Assembly  
3 Regular Session, 2009  
4

As Engrossed: H1/23/09 S2/17/09 S2/17/09

# A Bill

HOUSE BILL 1040

5 By: Representatives D. Creekmore, T. Baker, Lea, M. Martin, Nix, Pyle, L. Smith, *B. Wilkins*  
6 By: Senators D. Johnson, Broadway, *H. Wilkins*  
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## For An Act To Be Entitled

11 AN ACT TO CREATE THE OFFENSE OF SMOTHERING OR  
12 STRANGULATION; PROVIDING FOR PENALTIES; AND FOR  
13 OTHER PURPOSES.  
14

### Subtitle

15 AN ACT TO CREATE THE OFFENSE OF  
16 SMOTHERING OR STRANGULATION AND  
17 PROVIDING FOR PENALTIES.  
18  
19  
20

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

23 SECTION 1. Arkansas Code Title 5, *Chapter 26, Subchapter 314* is  
24 amended to add a new section to read as follows:

25 5-26-314. Smothering or strangulation.

26 (a) A person commits smothering or strangulation if he or she  
27 purposely and with the extreme indifference to the value of human life uses  
28 his or her hands or any other means or force to attempt to impede or to  
29 impede the:

30 (1) Normal breathing of another person; or

31 (2) Circulation of another person's blood by applying pressure  
32 on the throat or neck of that person.

33 (b) Smothering or strangulation is a Class C felony.  
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35 /s/ *D. Creekmore*  
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