

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: H2/10/09*

# A Bill

HOUSE BILL 1396

5 By: Representative J. Edwards  
6 By: *Senator Elliott*  
7

## For An Act To Be Entitled

10 AN ACT TO MAKE THE OFFENSE OF BATTERY IN THE  
11 SECOND DEGREE APPLICABLE TO THOSE WHO CAUSE  
12 BODILY HARM TO ANIMAL CONTROL AND CODE  
13 ENFORCEMENT OFFICERS; AND FOR OTHER PURPOSES.  
14

### Subtitle

15 TO MAKE THE OFFENSE OF BATTERY IN THE  
16 SECOND DEGREE APPLICABLE TO THOSE WHO  
17 CAUSE BODILY HARM TO ANIMAL CONTROL AND  
18 CODE ENFORCEMENT OFFICERS.  
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20  
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22 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
23

24 SECTION 1. Arkansas Code § 5-13-202 is amended to read as  
25 follows:

26 5-13-202. Battery in the second degree.

27 (a) A person commits battery in the second degree if:

28 (1) With the purpose of causing physical injury to another  
29 person, the person causes serious physical injury to any person;

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

33 (3) The person recklessly causes serious physical injury to  
34 another person by means of a deadly weapon; or

35 (4) The person knowingly, without legal justification, causes  
36 physical injury to a person he or she knows to be:



1 (A)(i) A law enforcement officer, firefighter, or employee  
2 of a correctional facility while the law enforcement officer, firefighter,  
3 code enforcement officer, or employee of a correctional facility is acting in  
4 the line of duty.

5 (ii) As used in this subdivision (a)(4)(A),

6 (a) ~~“employee~~ Employee of a correctional  
7 facility” includes a person working under a professional services contract  
8 with the Department of Correction, the Department of Community Correction, or  
9 the Division of Youth Services of the Department of Human Services; and

10 (b)(1) “Code enforcement officer” means an  
11 individual charged with the duty of enforcing a municipal code, municipal  
12 ordinance, or municipal regulation as defined by a municipal code, municipal  
13 ordinance, or municipal regulation.

14 (2) “Code enforcement officer” includes  
15 a municipal animal control officer.

16 (B) A teacher or other school employee while acting in the  
17 course of employment;

18 (C) An individual sixty (60) years of age or older or  
19 twelve (12) years of age or younger;

20 (D) An officer or employee of the state while the officer  
21 or employee of the state is acting in the performance of his or her lawful  
22 duty;

23 (E) While performing medical treatment or emergency  
24 medical services or while in the course of other employment relating to his  
25 or her medical training:

26 (i) A physician;

27 (ii) A person certified as an emergency medical  
28 technician, as defined in § 20-13-202;

29 (iii) A licensed or certified health care  
30 professional; or

31 (iv) Any other health care provider; or

32 (F) An individual who is incompetent, as defined in § 5-  
33 25-101.

34 (b) Battery in the second degree is a Class D felony.

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36 /s/ J. Edwards