

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

A Bill

HOUSE BILL 1943

5 By: Representative B. Wilkins
6
7

For An Act To Be Entitled

9 AN ACT TO INCREASE THE PENALTIES FOR AGGRAVATED
10 ASSAULT AND MISDEMEANOR ASSAULT IF COMMITTED
11 AGAINST CERTAIN PERSONS; AND FOR OTHER PURPOSES.
12

Subtitle

13 TO INCREASE THE PENALTIES FOR AGGRAVATED
14 ASSAULT AND MISDEMEANOR ASSAULT IF
15 COMMITTED AGAINST CERTAIN PERSONS.
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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 § 5-13-204 is amended to read as follows:
22 5-13-204. Aggravated assault.

23 (a) A person commits aggravated assault if, under circumstances
24 manifesting extreme indifference to the value of human life, he or she
25 purposely:

26 (1) Engages in conduct that creates a substantial danger of
27 death or serious physical injury to another person; or

28 (2) Displays a firearm in such a manner that creates a
29 substantial danger of death or serious physical injury to another person.

30 (b) Aggravated assault is a Class D felony.

31 (c) Aggravated assault is a Class C felony and a culpable mental state
32 is not required for the following elements if the victim is:

33 (1)(A) A law enforcement officer, firefighter, code enforcement
34 officer, or employee of a correctional facility while acting in the scope of
35 his or her duty.

36 (B) As used in subdivision (c)(1)(A) of this section:



1 (i) "Employee of a correctional facility" includes
2 without limitation a person working under a professional services contract
3 with the Department of Correction, the Department of Community Correction, or
4 the Division of Youth Services of the Department of Human Services; and

5 (ii)(a) "Code enforcement officer" means an
6 individual charged with the duty of enforcing a municipal code, municipal
7 ordinance, or municipal regulation as defined by a municipal code, municipal
8 ordinance, or municipal regulation.

9 (b) "Code enforcement officer" includes a
10 municipal animal control officer;

11 (2) A school employee while acting in the course of employment;

12 (3) An individual sixty (60) years of age or older or twelve
13 (12) years of age or younger;

14 (4) An officer or employee of the state while acting in the
15 scope of his or her lawful duty;

16 (5) While performing medical treatment or emergency medical
17 services or while in the course of other employment relating to his or her
18 medical training;

19 (A) A physician;

20 (B) A person certified as an emergency medical technician,
21 as defined in § 20-13-202;

22 (C) A licensed or certified health care professional; or

23 (D) Any other health care provider; or

24 (6) An individual who is incompetent, as defined in § 5-25-101.

25 ~~(e)(d)~~ The provisions Subsection (a) of this section ~~do~~ does not apply
26 to:

27 (1) A law enforcement officer acting within the scope of his or
28 her duty; or

29 (2) Any person acting in self-defense or the defense of a third
30 party.

31
32 SECTION 2. Arkansas Code § 5-13-205 is amended to read as follows:

33 5-13-205. Assault in the first degree.

34 (a) A person commits assault in the first degree if he or she
35 recklessly engages in conduct that creates a substantial risk of death or
36 serious physical injury to another person.

1 (b) Assault in the first degree is a Class A misdemeanor.

2 (c) Assault in the first degree is a Class D felony and a culpable
 3 mental state is not required for the following elements if the victim is:

4 (1)(A) A law enforcement officer, firefighter, code enforcement
 5 officer, or employee of a correctional facility while acting in the scope of
 6 his or her duty.

7 (B) As used in subdivision (c)(1)(A) of this section:

8 (i) "Employee of a correctional facility" includes
 9 without limitation a person working under a professional services contract
 10 with the Department of Correction, the Department of Community Correction, or
 11 the Division of Youth Services of the Department of Human Services; and

12 (ii)(a) "Code enforcement officer" means an
 13 individual charged with the duty of enforcing a municipal code, municipal
 14 ordinance, or municipal regulation as defined by a municipal code, municipal
 15 ordinance, or municipal regulation.

16 (b) "Code enforcement officer" includes a
 17 municipal animal control officer;

18 (2) A school employee while acting in the course of employment;

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

21 (4) An officer or employee of the state while acting in the
 22 scope of his or her lawful duty;

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

26 (A) A physician;

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

29 (C) A licensed or certified health care professional; or

30 (D) Any other health care provider; or

31 (6) An individual who is incompetent, as defined in § 5-25-101.
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33 SECTION 3. Arkansas Code § 5-13-206 is amended to read as follows:
 34 5-13-206. Assault in the second degree.

35 (a) A person commits assault in the second degree if he or she
 36 recklessly engages in conduct that creates a substantial risk of physical

1 injury to another person.

2 (b) Assault in the second degree is a Class B misdemeanor.

3 (c) Assault in the second degree is a Class A misdemeanor and a
4 culpable mental state is not required for the following elements if the
5 victim is:

6 (1)(A) A law enforcement officer, firefighter, code enforcement
7 officer, or employee of a correctional facility acting in the scope of his or
8 her duty.

9 (B) As used in subdivision (c)(1)(A) of this section:

10 (i) “Employee of a correctional facility” includes
11 without limitation a person working under a professional services contract
12 with the Department of Correction, the Department of Community Correction, or
13 the Division of Youth Services of the Department of Human Services; and

14 (ii)(a) “Code enforcement officer” means an
15 individual charged with the duty of enforcing a municipal code, municipal
16 ordinance, or municipal regulation as defined by a municipal code, municipal
17 ordinance, or municipal regulation.

18 (b) “Code enforcement officer” includes a
19 municipal animal control officer;

20 (2) A school employee while acting in the course of employment;

21 (3) An individual sixty (60) years of age or older or twelve
22 (12) years of age or younger;

23 (4) An officer or employee of the state while acting in the
24 scope of his or her lawful duty;

25 (5) While performing medical treatment or emergency medical
26 services or while in the course of other employment relating to his or her
27 medical training;

28 (A) A physician;

29 (B) A person certified as an emergency medical technician,
30 as defined in § 20-13-202;

31 (C) A licensed or certified health care professional; or

32 (D) Any other health care provider; or

33 (6) An individual who is incompetent, as defined in § 5-25-101.
34

35 SECTION 4. Arkansas Code § 5-13-207 is amended to read as follows:
36 5-13-207. Assault in the third degree.

1 (a) A person commits assault in the third degree if he or she
2 purposely creates apprehension of imminent physical injury in another person.

3 (b) Assault in the third degree is a Class C misdemeanor.

4 (c) Assault in the third degree is a Class B misdemeanor and a
5 culpable mental state is not required for the following elements if the
6 victim is:

7 (1)(A) A law enforcement officer, firefighter, code enforcement
8 officer, or employee of a correctional facility while acting in the scope of
9 his or her duty.

10 (B) As used in subdivision (c)(1)(A) of this section:

11 (i) "Employee of a correctional facility" includes
12 without limitation a person working under a professional services contract
13 with the Department of Correction, the Department of Community Correction, or
14 the Division of Youth Services of the Department of Human Services; and

15 (ii)(a) "Code enforcement officer" means an
16 individual charged with the duty of enforcing a municipal code, municipal
17 ordinance, or municipal regulation as defined by a municipal code, municipal
18 ordinance, or municipal regulation.

19 (b) "Code enforcement officer" includes a
20 municipal animal control officer;

21 (2) A school employee while acting in the course of employment;

22 (3) An individual sixty (60) years of age or older or twelve
23 (12) years of age or younger;

24 (4) An officer or employee of the state while acting in the
25 performance of his or her lawful duty;

26 (5) While performing medical treatment or emergency medical
27 services or while in the course of other employment relating to his or her
28 medical training:

29 (A) A physician;

30 (B) A person certified as an emergency medical technician,
31 as defined in § 20-13-202;

32 (C) A licensed or certified health care professional; or

33 (D) Any other health care provider; or

34 (6) An individual who is incompetent, as defined in § 5-25-101.

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