

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: H3/25/09

A Bill

HOUSE BILL 1943

5 By: Representative B. Wilkins
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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

14 TO INCREASE THE PENALTIES FOR AGGRAVATED
15 ASSAULT AND MISDEMEANOR ASSAULT IF
16 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 if the victim is:

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

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

36 (i) "Employee of a correctional facility" includes



1 without limitation a person working under a professional services contract
2 with the Department of Correction, the Department of Community Correction, or
3 the Division of Youth Services of the Department of Human Services; and

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

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

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

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

13 (4) While performing medical treatment or emergency medical
14 services or while in the course of other employment relating to his or her
15 medical training;

16 (A) A physician;

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

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

20 (D) Any other health care provider; or

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

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

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

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

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29 SECTION 2. Arkansas Code § 5-13-205 is amended to read as follows:
30 5-13-205. Assault in the first degree.

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

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

35 (c) Assault in the first degree is a Class D felony if the victim is:

36 (1)(A) A certified law enforcement officer, firefighter, code

1 enforcement officer, or employee of a correctional facility while acting in
 2 the scope of his or her duty.

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

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

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

12 (b) "Code enforcement officer" includes a
 13 municipal animal control officer;

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

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

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

20 (A) A physician;

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

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

24 (D) Any other health care provider; or

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

26
 27 SECTION 3. Arkansas Code § 5-13-206 is amended to read as follows:
 28 5-13-206. Assault in the second degree.

29 (a) A person commits assault in the second degree if he or she
 30 recklessly engages in conduct that creates a substantial risk of physical
 31 injury to another person.

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

33 (c) Assault in the second degree is a Class A misdemeanor if the
 34 victim is:

35 (1)(A) A certified law enforcement officer, firefighter, code
 36 enforcement officer, or employee of a correctional facility acting in the

1 scope of his or her duty.

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

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

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

11 (b) "Code enforcement officer" includes a
12 municipal animal control officer;

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

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

16 (4) 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 (5) An individual who is incompetent, as defined in § 5-25-101.

25
26 SECTION 4. Arkansas Code § 5-13-207 is amended to read as follows:

27 5-13-207. Assault in the third degree.

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

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

31 (c) Assault in the third degree is a Class B misdemeanor if the victim
32 is:

33 (1)(A) A certified law enforcement officer, firefighter, code
34 enforcement officer, or employee of a correctional facility while acting in
35 the scope of 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) While performing medical treatment or emergency medical
15 services or while in the course of other employment relating to his or her
16 medical training;

17 (A) A physician;

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

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

21 (D) Any other health care provider; or

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

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24 */s/ B. Wilkins*
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