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	A Bill	
2	87th General Assembly		HOUSE BILL 2025
3	Regular Session, 2009		HOUSE BILL 2023
4 5	By: Representative Harrelso	n	
6	by. Representative framerso	11	
7			
, 8		For An Act To Be Entitled	
9	AN ACT TO ADD AGGRAVATED RESIDENTIAL BURGLARY TO		
10	THE LIST OF SERIOUS FELONIES INVOLVING VIOLENCE		
11	IN THE HABITUAL OFFENDER STATUTE AND AS AN		
12	UNDERLYING FELONY IN THE CAPITAL MURDER STATUTE;		
13	AND FOR	OTHER PURPOSES.	
14			
15		Subtitle	
16	TO A	DD AGGRAVATED RESIDENTIAL BURGLARY	
17	TO THE LIST OF SERIOUS FELONIES		
18	INVOLVING VIOLENCE IN THE HABITUAL		
19	OFFENDER STATUTE AND AS AN UNDERLYING		
20	FELO	NY IN THE CAPITAL MURDER STATUTE.	
21			
22			
23	BE IT ENACTED BY THE	GENERAL ASSEMBLY OF THE STATE OF AR	KANSAS:
24			
25	SECTION 1. Arka	ansas Code § 5-4-501(c)(2), concern	ing the list of
26		ies in the habitual offender statut	e, is amended to read
27	as follows:		
28		sed in this subsection, "serious fe	lony involving
29	violence" means:		
30	(A)	Any of the following felonies:	
31		(i) Murder in the first degree,	
32		(ii) Murder in the second degree	
33 34	making it o $\Omega$ as $V$ f	(iii) Kidnapping, § 5-11-102, in	nvorving an activity
34 35	making it a Class Y felony; (iv) Aggravated robbery, § 5-12-103;		
36		<ul><li>(iv) Aggravated fobbery, § 5-12</li><li>(v) Terroristic act, § 5-13-310</li></ul>	



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1
     activity making it a Class Y felony;
 2
                             (vi) Rape, § 5-14-103;
 3
                             (vii) Sexual assault in the first degree, § 5-14-
 4
     124; or
 5
                             (viii) Causing a catastrophe, § 5-38-202(a); or
 6
                             (ix) Aggravated residential burglary, § 5-39-204; or
 7
8
           SECTION 2. Arkansas Code § 5-4-501(d)(2), concerning the list of
9
     felonies involving violence in the habitual offender statute, is amended to
10
     read as follows:
11
                 (2) As used in this subsection, "felony involving violence"
12
     means:
                       (A) Any of the following felonies:
13
14
                             (i) Murder in the first degree, § 5-10-102;
15
                             (ii) Murder in the second degree, § 5-10-103;
16
                             (iii) Kidnapping, § 5-11-102;
17
                             (iv) Aggravated robbery, § 5-12-103;
18
                             (v) Rape, § 5-14-103;
19
                             (vi) Battery in the first degree, § 5-13-201;
20
                             (vii) Terroristic act, § 5-13-310;
21
                             (viii) Sexual assault in the first degree, § 5-14-
22
     124;
23
                             (ix) Sexual assault in the second degree, § 5-14-
24
     125;
25
                             (x) Domestic battering in the first degree, § 5-26-
26
     303;
27
                             (xi) Aggravated residential burglary, § 5-39-204;
28
                             (xii) Unlawful discharge of a firearm from a
29
     vehicle, § 5-74-107;
30
                             (xii)(xiii) Criminal use of prohibited weapons, § 5-
     73-104, involving an activity making it a Class B felony; or
31
32
                             (xiii)(xiv) A felony attempt, solicitation, or
33
     conspiracy to commit:
34
                                   (a) Capital murder, § 5-10-101;
35
                                   (b) Murder in the first degree, § 5-10-102;
36
                                   (c) Murder in the second degree, § 5-10-103;
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1	(d) Kidnapping, § 5-11-102;		
2	(e) Aggravated robbery, § 5-12-103;		
3	(f) Rape, § 5-14-103;		
4	(g) Battery in the first degree, § 5-13-201;		
5	or		
6	(h) Domestic battering in the first degree, §		
7	5-26-303; or		
8	(i) Aggravated residential burglary, § 5-39-		
9	<u>204; or</u>		
10	(B) A conviction of a comparable felony involving violence		
11	from another jurisdiction.		
12	SECTION 3. Arkansas Code § 5-10-101(a)(1), concerning underlying		
13	felonies in the capital murder statute, is amended to read as follows:		
14	(a) A person commits capital murder if:		
15	(1) Acting alone or with one (1) or more other persons:		
16	(A) The person commits or attempts to commit:		
17	(i) Terrorism, as defined in § 5-54-205;		
18	(ii) Rape, § 5-14-103;		
19	(iii) Kidnapping, § 5-11-102;		
20	(iv) Vehicular piracy, § 5-11-105;		
21	(v) Robbery, § 5-12-102;		
22	(vi) Aggravated robbery, § 5-12-103;		
23	(vii) Residential burglary, § 5-39-201(a);		
24	(viii) Commercial burglary, § 5-39-201(b);		
25	(ix) Aggravated residential burglary, § 5-39-204;		
26	(ix)(x) A felony violation of the Uniform Controlled		
27	Substances Act, §§ 5-64-101 — 5-64-508, involving an actual delivery of a		
28	controlled substance; or		
29	(x)(xi) First degree escape, § 5-54-110; and		
30	(B) In the course of and in furtherance of the felony or		
31	in immediate flight from the felony, the person or an accomplice causes the		
32	death of any a person under circumstances manifesting extreme indifference to		
33	the value of human life;		
34			
35			
36			

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