

1 State of Arkansas
2 90th General Assembly
3 Regular Session, 2015
4

A Bill

HOUSE BILL 1117

5 By: Representatives Lowery, C. Fite, Hickerson, Petty, Richmond, Rushing, Vaught
6

For An Act To Be Entitled

8 AN ACT CREATING ENHANCED PENALTIES FOR OFFENSES
9 COMMITTED AGAINST AN ELDER PERSON; AND FOR OTHER
10 PURPOSES.
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12

Subtitle

13 CREATING ENHANCED PENALTIES FOR OFFENSES
14 COMMITTED AGAINST AN ELDER PERSON.
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18 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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20 SECTION 1. Arkansas Code § 5-4-701, concerning enhanced penalties for
21 certain offenses, is amended to add two new definitions to read as follows:

22 (3) "Elder person" means a person who is sixty-five (65) years of age
23 or older; and

24 (4) "Property" means severed real property or tangible or intangible
25 personal property, including money or any paper or document that represents
26 or embodies anything of value.
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28 SECTION 2. Arkansas Code Title 5, Chapter 4, Subchapter 7, is amended
29 to add a new section to read as follows:

30 5-4-703. Enhanced penalties for offenses committed against an elder
31 person.

32 (a) A person who commits a felony offense that results in physical
33 injury to or the deprivation of property of an elder person may be subject to
34 an enhanced sentence of an additional term of imprisonment of not less than
35 one (1) year and not greater than ten (10) years.

36 (b) To seek an enhanced penalty established under this section, the



1 prosecuting attorney shall include a specific charge on the information or
2 indictment that the defendant is subject to the enhanced penalty.

3 (c) In order for the enhanced penalty under this section to be
4 imposed, the finder of fact must find that the defendant purposely caused
5 physical injury to the elder person or purposely deprived the elder person of
6 property.

7 (d) The enhanced penalty under this section is:

8 (1) In addition to any other sentence or sentence enhancement
9 that may be imposed; and

10 (2) Consecutive to any other sentence or sentence enhancement
11 imposed.

12 (e) A person convicted under this section is not eligible for early
13 release on parole or community correction transfer for the portion of the
14 sentence enhanced under this section.

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