

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

A Bill

HOUSE BILL 1236

4
5 By: Representative Baltz

For An Act To Be Entitled

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7
8 AN ACT CONCERNING RESTITUTION TO THE DEPENDENTS OF A
9 VICTIM OF A FELONY INVOLVING VIOLENCE; CREATING THE
10 OFFENSE OF FAILURE TO NOTIFY EMERGENCY PERSONNEL OF
11 AN ENDANGERED CHILD IN CERTAIN CIRCUMSTANCES; AND FOR
12 OTHER PURPOSES.

Subtitle

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15 CONCERNING RESTITUTION TO THE DEPENDENTS
16 OF A VICTIM OF A FELONY INVOLVING
17 VIOLENCE AND CREATING THE OFFENSE OF
18 FAILURE TO NOTIFY EMERGENCY PERSONNEL OF
19 AN ENDANGERED CHILD IN CERTAIN
20 CIRCUMSTANCES.
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24 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

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26 SECTION 1. Arkansas Code § 5-4-205(b), concerning the restitution to a
27 victim of a crime, is amended to add a new subdivision to read as follows:

28 (6)(A) A restitution order may be entered under this section to
29 require that a defendant pay a victim's dependent's reasonable living
30 expenses if:

31 (i) The defendant committed a felony involving
32 violence as defined in § 5-4-501(d)(2); and

33 (ii) The victim died as a result of the felony
34 involving violence as defined in § 5-4-501(d)(2).

35 (B) Restitution ordered under this subdivision (b)(6) is
36 not exclusive and does not preclude the victim's estate from pursuing a civil



1 remedy available to it by law.

2 (C) There is not a limit to the restitution ordered under
 3 this subdivision (b)(6) with respect to the amount of the restitution or the
 4 number of dependents.

5 (D) The court may use the Child Support Guidelines
 6 contained in Appendix Administrative Order Number 10 located in Title 9 of
 7 the Arkansas Code as a reference in order to calculate the victim's
 8 dependent's reasonable living expenses.

9 (E) As used in this subdivision (b)(6), "dependent" means:

10 (i) A person under eighteen (18) years of age; or

11 (ii) A person eighteen (18) years of age or older
 12 for whom the victim was his or her legal guardian.

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 14 SECTION 2. Arkansas Code Title 5, Chapter 27, is amended to add a new
 15 section to read as follows:

16 5-27-211. Failure to notify emergency personnel of an endangered child
 17 in certain circumstances.

18 (a) A person commits the offense of failure to notify emergency
 19 personnel of an endangered child in certain circumstances if:

20 (1) The person commits a felony involving violence as defined in
 21 § 5-4-501(d)(2);

22 (2) As a result of the commission of that felony, the person:

23 (A) Leaves a child at the location of the felony involving
 24 violence as defined in § 5-4-501(d)(2); and

25 (B) The result of leaving the child at the location of the
 26 felony involving violence as defined in § 5-4-501(d)(2) is a dangerous
 27 situation; and

28 (3) The person fails to notify emergency personnel within a
 29 reasonable amount of time as to the location and known condition of the
 30 child.

31 (b) Failure to notify emergency personnel of an endangered child in
 32 certain circumstances is a Class D felony.

33 (c) As used in this section:

34 (1) "Child" means a person who is twelve (12) years of age or
 35 younger;

36 (2) "Dangerous situation" means a situation in which the

1 attendant facts should lead a reasonable person to believe that there is an
2 increased likelihood that a child could be exposed to physical or mental
3 injury; and

4 (3)(A) "Emergency personnel" means a person or agency that is in
5 the business or profession of providing emergency medical care, rescue
6 operations, law enforcement, or other similar duties.

7 (B) "Emergency personnel" includes without limitation a
8 licensed health care provider, an emergency medical technician, a first
9 responder, a firefighter, and a law enforcement officer.

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