

State of Arkansas
91st General Assembly
Regular Session, 2017

A Bill

HOUSE BILL 1172

By: Representatives Tosh, Drown, Ballinger, Baltz, Barker, Beck, Bentley, Bragg, Brown, Coleman, Collins, Davis, Dotson, C. Douglas, Eaves, K. Ferguson, Fielding, C. Fite, L. Fite, Gates, Gazaway, Gillam, M. Gray, Hammer, Henderson, Hillman, G. Hodges, Holcomb, Hollowell, House, Ladyman, Lemons, Lundstrum, G. McGill, Nicks, Payton, Petty, Richmond, Rushing, Rye, B. Smith, Speaks, Sturch, Sullivan, Wardlaw

By: Senators G. Stubblefield, B. Johnson

For An Act To Be Entitled

AN ACT CREATING A SENTENCE ENHANCEMENT FOR CERTAIN
CRIMINAL OFFENSES TARGETING A CURRENT OR FORMER LAW
ENFORCEMENT OFFICER, FIRST RESPONDER, OR A FAMILY
MEMBER OF A CURRENT OR FORMER LAW ENFORCEMENT OFFICER
OR FIRST RESPONDER; TO DECLARE AN EMERGENCY; AND FOR
OTHER PURPOSES.

Subtitle

CREATING A SENTENCE ENHANCEMENT FOR
CERTAIN CRIMINAL OFFENSES TARGETING A
CURRENT OR FORMER LAW ENFORCEMENT
OFFICER, FIRST RESPONDER, OR HIS OR HER
FAMILY; AND TO DECLARE AN EMERGENCY.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

SECTION 1. DO NOT CODIFY. Legislative intent.

(a) The General Assembly finds that there are a number of criminal offenses that have heightened or enhanced sentences when the victim is a law enforcement officer or first responder as opposed to if the victim of a similar criminal offense were just a member of the public at large.

(b) The sentence enhancement under Section 3 of this act is not



1 intended to apply to criminal offenses against a law enforcement officer or
2 first responder when the criminal offenses already provide for a heightened
3 or enhanced sentence because the victim is a law enforcement officer or first
4 responder.

5 (c) Therefore, it is the intent of the General Assembly that
6 subsection (d) of Section 3 of this act prohibits a sentence enhancement
7 under Section 3 of this act when the victim of the criminal offense is a law
8 enforcement officer or first responder and the criminal offense for which the
9 defendant was charged could only be committed against a law enforcement
10 officer or first responder.

11
12 SECTION 2. Arkansas Code § 5-4-701, concerning definitions, is amended
13 to add additional subdivisions to read as follows:

14 (3) "Family member of a current or former law enforcement
15 officer or first responder" means the husband, wife, son, daughter, brother,
16 sister, or parent of a current or former law enforcement officer or first
17 responder;

18 (4) "First responder" means a firefighter or a person employed
19 as an emergency medical provider; and

20 (5) "Law enforcement officer" includes without limitation a:

21 (A) Prosecuting attorney or a deputy prosecuting attorney;

22 (B) Code enforcement officer; and

23 (C) Corrections officer.

24
25 SECTION 3. Arkansas Code Title 5, Chapter 4, Subchapter 7, is amended
26 to add an additional section to read as follows:

27 5-4-704. Sentence enhancement for offense targeting current or former
28 law enforcement officer, first responder, or family member of current or
29 former law enforcement officer or first responder.

30 (a) A person is subject to an enhanced sentence under this section if
31 the person purposely selected the victim of an offense committed by the
32 person because of the victim's current or former employment as a law
33 enforcement officer or first responder or because the victim was a family
34 member of a current or former law enforcement officer or first responder.

35 (b) If a sentence enhancement is sought under this section, the
36 information or indictment shall include:

1 (1) That the sentence enhancement under this section is being
2 sought; and

3 (2) The allegations supporting the imposition of the enhanced
4 sentence under this section.

5 (c) The sentence enhancement under this section is as follows:

6 (1) If the person is convicted of a Class A misdemeanor or an
7 unclassified misdemeanor with a possible sentence greater than ninety (90)
8 days' imprisonment, an additional period of imprisonment of not more than one
9 (1) year;

10 (2) If the person is convicted of a Class C felony, Class D
11 felony, or an unclassified felony, an additional period of imprisonment of at
12 least six (6) months but no more than two (2) years; and

13 (3) If the person is convicted of a Class Y felony, Class A
14 felony, or Class B felony, an additional period of imprisonment of at least
15 two (2) years but no more than ten (10) years.

16 (d) The sentence enhancement under this section is not applicable if:

17 (1) The victim of the offense is a law enforcement officer or
18 first responder; and

19 (2) An element of the underlying offense is that the victim is a
20 law enforcement officer or first responder.

21
22 SECTION 4. EMERGENCY CLAUSE. It is found and determined by the
23 General Assembly of the State of Arkansas that current and former law
24 enforcement officers, first responders, and their family members are
25 oftentimes specifically targeted for a criminal offense based on who they are
26 and the dangerous and necessary job that law enforcement officers and first
27 responders do; that persons who commit offenses targeted at current and
28 former law enforcement officers, first responders, or their family members
29 should be sentenced more harshly than is currently provided for in the law;
30 and that this act is immediately necessary because a message needs to be sent
31 that the State of Arkansas does not condone the targeting of current and
32 former law enforcement officers, first responders, or their family members
33 for criminal activity. Therefore, an emergency is declared to exist, and this
34 act being immediately necessary for the preservation of the public peace,
35 health, and safety shall become effective on:

36 (1) The date of its approval by the Governor;

1 (2) If the bill is neither approved nor vetoed by the Governor,
2 the expiration of the period of time during which the Governor may veto the
3 bill; or

4 (3) If the bill is vetoed by the Governor and the veto is
5 overridden, the date the last house overrides the veto.