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2	State of Arkansas	As Engrossed: H3/14/17	
3	91st General Assembly	A Bill	
4	Regular Session, 2017		HOUSE BILL 2116
5			
6	By: Representative Holcomb		
7	By: Senator B. Sample		
8			
9	For An Act To Be Entitled		
10	AN ACT TO PROTECT FREIGHT RAIL EMPLOYEES AND PUBLIC		
11	TRANSIT EMPLOYEES BY ENHANCING THE PENALTIES OF		
12	CERTAIN CRIMINAL OFFENSES; AND FOR OTHER PURPOSES.		
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15		Subtitle	
16	TO PROTECT FREIGHT RAIL EMPLOYEES AND		
17	PUBLIC TRANSIT EMPLOYEES BY ENHANCING THE		
18	PENA	LTIES OF CERTAIN CRIMINAL OFFENSES.	
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21	BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:		
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23	SECTION 1. Arkansas Code § 5-4-701, concerning definitions used for		
24	sentence enhancements, as amended by Acts 2017, No. 332, is amended to add		
25	additional subdivisio	ns to read as follows:	
26	<u>(6) "Con</u>	<u>ductor" means a conductor, switchman</u>	, brakeman,
27	trainman, or fireman	licensed and certified by the Federa	<u>l Railroad</u>
28	Administration;		
29	<u>(7) <b>"</b>Eng</u>	ineer" means an engineer licensed an	nd certified by the
30	<u>Federal Railroad Admi</u>		
31	<u>(8) "Pub</u>	lic transit employee" means a bus, r	ail, or trolley
32	operator tasked with the transport of persons;		
33	(9) "Railroad or public transit employee" means a conductor,		
34	engineer, public transit employee, or railroad management; and		
35	·	ilroad management" means a rail empl	loyee overseeing and
36	assisting in the oper	ation of rail transit.	

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2	SECTION 2. Arkansas Code Title 5, Chapter 4, Subchapter 7, is amended		
3	to add an additional section to read as follows:		
4	5-4-705. Sentence enhancement for offense targeting railroad or public		
5	transit employee.		
6	(a) A person is subject to an enhanced sentence under this section if		
7	the person purposely selected the victim of an offense committed by the		
8	person because the victim is a railroad or public transit employee.		
9	(b) If a sentence enhancement is sought under this section, the		
10	information or indictment shall include:		
11	(1) That the sentence enhancement under this section is being		
12	sought; and		
13	(2) The allegations supporting the imposition of the enhanced		
14	sentence under this section.		
15	(c) The sentence enhancement under this section is as follows:		
16	(1) If the person is convicted of a Class A misdemeanor or an		
17	unclassified misdemeanor with a possible sentence greater than ninety (90)		
18	days' imprisonment, an additional period of imprisonment of not more than one		
19	<u>(1) year;</u>		
20	(2) If the person is convicted of a Class C felony, Class D		
21	felony, or an unclassified felony, an additional period of imprisonment of at		
22	least six (6) months but no more than two (2) years; and		
23	(3) If the person is convicted of a Class Y felony, Class A		
24	felony, or Class B felony, an additional period of imprisonment of at least		
25	two (2) years but no more than ten (10) years.		
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27	/s/Holcomb		
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