

State of Arkansas
93rd General Assembly
Regular Session, 2021

A Bill

HOUSE BILL 1727

By: Representative Dalby
By: Senator Rice

For An Act To Be Entitled

AN ACT CONCERNING THE OFFENSE OF AGGRAVATED ASSAULT
UPON A LAW ENFORCEMENT OFFICER OR AN EMPLOYEE OF A
CORRECTIONAL FACILITY; TO DECLARE AN EMERGENCY; AND
FOR OTHER PURPOSES.

Subtitle

CONCERNING THE OFFENSE OF AGGRAVATED
ASSAULT UPON A LAW ENFORCEMENT OFFICER OR
AN EMPLOYEE OF A CORRECTIONAL FACILITY;
AND TO DECLARE AN EMERGENCY.

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

SECTION 1. Arkansas Code § 5-13-211 is amended to read as follows:

5-13-211. Aggravated assault upon a law enforcement officer or an
employee of a correctional facility.

(a) A person commits aggravated assault upon a law enforcement officer
or an employee of a correctional facility if:

(1) Under circumstances manifesting extreme indifference to the
personal hygiene of the law enforcement officer or employee of the
correctional facility, the person purposely engages in conduct that creates a
potential danger of infection to the law enforcement officer or an employee
of any state or local correctional facility while the law enforcement officer
or employee of the state or local correctional facility is engaged in the
course of his or her employment by causing a person whom the actor knows to
be a law enforcement officer or employee of the state or local correctional



1 facility to come into contact with saliva, blood, urine, feces, seminal
 2 fluid, or other bodily fluid by purposely throwing, tossing, expelling, or
 3 otherwise transferring the fluid or material; or

4 (2) He or she knowingly discharges a firearm with a purpose to
 5 cause serious physical injury or death to a law enforcement officer or an
 6 employee of a correctional facility while the law enforcement officer or
 7 employee of a correctional facility is acting within the scope of his or her
 8 official duties and the person:

9 (A) Is in custody as a result of a felony conviction;

10 (B) Is unlawfully at liberty after being sentenced to
 11 imprisonment as a result of a felony conviction;

12 (C) Has a felony conviction for a felony offense which
 13 contained as an element the use or threat of violence against another person
 14 or the creation of a substantial risk of death or serious physical injury to
 15 another person;

16 (D) Knowingly creates a substantial risk of serious
 17 physical injury or death to a person other than the law enforcement officer
 18 or the employee of a correctional facility;

19 (E) Causes the death of more than one (1) person;

20 (F) Is acting with a purpose to avoid or prevent an arrest
 21 or to escape from custody;

22 (G) Is acting with a purpose to obtain a pecuniary gain;
 23 or

24 (H) Is acting with a purpose to disrupt or hinder the
 25 lawful exercise of any government or political function.

26 (b) Aggravated assault upon a law enforcement officer or an employee
 27 of a correctional facility is:

28 (1) A Class D felony under subdivision (a)(1) of this section;

29 or

30 (2) A Class Y felony under subdivision (a)(2) of this section.

31 (c) As used in this section, "contact with" includes without
 32 limitation contact with the skin, a face covering, a glove, or the uniform of
 33 a law enforcement officer or employee of a correctional facility.

34
 35 SECTION 2. EMERGENCY CLAUSE. It is found and determined by the
 36 General Assembly of the State of Arkansas that the actions constituting

1 aggravated assault upon a law enforcement officer or an employee of a
2 correctional facility as described in this act by an offender in the custody
3 of the Department of Corrections compromise the health and safety of the
4 correctional staff in the facility in which the offender is housed.

5 Therefore, an emergency is declared to exist, and this act being immediately
6 necessary for the preservation of the public peace, health, and safety shall
7 become effective on:

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

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

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