

State of Arkansas  
92nd General Assembly  
Regular Session, 2019

# A Bill

HOUSE BILL 1610

By: Representative Gazaway

## For An Act To Be Entitled

AN ACT AMENDING THE SENTENCING RANGE FOR THE OFFENSE  
OF BATTERY IN THE SECOND DEGREE; AND FOR OTHER  
PURPOSES.

### Subtitle

AMENDING THE SENTENCING RANGE FOR THE  
OFFENSE OF BATTERY IN THE SECOND DEGREE.

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

SECTION 1. Arkansas Code § 5-13-202 is amended to read as follows:  
5-13-202. Battery in the second degree.

(a) A person commits battery in the second degree if:

- (1) With the purpose of causing physical injury to another person, the person causes serious physical injury to another person;
- (2) With the purpose of causing physical injury to another person, the person causes physical injury to another person by means of a deadly weapon other than a firearm;

(3) The person recklessly causes serious physical injury to another person:

- (A) By means of a deadly weapon; or
- (B) While operating or in actual physical control of a motor vehicle or motorboat if at the time:
  - (i) The person is intoxicated; or
  - (ii) The alcohol concentration in the person's breath or blood is eight-hundredths (0.08) or more based upon the definition of alcohol concentration in § 5-65-204; or



(4) The person knowingly, without legal justification, causes physical injury to or incapacitates a person he or she knows to be:

(A)(i) A law enforcement officer, firefighter, code enforcement officer, or employee of a correctional facility while the law enforcement officer, firefighter, code enforcement officer, or employee of a correctional facility is acting in the line of duty.

(ii) As used in this subdivision (a)(4)(A):

(a)(1) "Code enforcement officer" means an individual charged with the duty of enforcing a municipal code, municipal ordinance, or municipal regulation as defined by a municipal code, municipal ordinance, or municipal regulation.

(2) "Code enforcement officer" includes a municipal animal control officer; and

(b) "Employee of a correctional facility" includes a person working under a professional services contract with the Department of Correction, the Department of Community Correction, or the Division of Youth Services of the Department of Human Services;

(B) A teacher or other school employee while acting in the course of employment;

(C) An individual sixty (60) years of age or older or twelve (12) years of age or younger;

(D) An officer or employee of the state while the officer or employee of the state is acting in the performance of his or her lawful duty;

(E) While performing medical treatment or emergency medical services or while in the course of other employment relating to his or her medical training:

(i) A physician;

(ii) A person licensed as emergency medical services personnel, as defined in § 20-13-202;

(iii) A licensed or certified health care professional; or

(iv) Any other health care provider; or

(F) An individual who is incompetent, as defined in § 5-25-101.

(b)(1) Battery in the second degree under subdivision (a)(3)(B) of

this section is a Class C felony.

(2) Otherwise, Battery battery in the second degree is a Class D felony.

(c) As used in this section, "motorboat" means the same as defined in § 5-65-102.

**APPROVED: 4/8/19**