

State of Arkansas  
94th General Assembly  
Regular Session, 2023

# A Bill

HOUSE BILL 1637

By: Representatives A. Collins, Gazaway

By: Senator C. Tucker

## For An Act To Be Entitled

AN ACT TO SPECIFY THE CULPABLE MENTAL STATE FOR  
CERTAIN OFFENSES; AND FOR OTHER PURPOSES.

## Subtitle

TO SPECIFY THE CULPABLE MENTAL STATE FOR  
CERTAIN OFFENSES.

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

SECTION 1. Arkansas Code § 5-1-104(a)(6), concerning territorial applicability, is amended to read as follows:

(6) The offense is defined by a statute of this state that expressly prohibits conduct outside the state and the conduct bears a reasonable relation to a legitimate interest of this state and the person knows or reasonably should know that his or her conduct is likely to affect that legitimate interest of this state.

SECTION 2. Arkansas Code § 5-13-213(a)(1), concerning aggravated assault against a first responder, is amended to read as follows:

(1) The person knowingly causes physical contact with a first responder by spitting, throwing, or otherwise transferring bodily fluids, pathogens, or human waste onto the person of the first responder or by throwing an object such as a brick, rock, bottle, projectile, firework, chemical agent, or explosive device that ~~a reasonable~~ the person knows or reasonably should know could cause physical injury if the object struck the first responder; and



SECTION 3. Arkansas Code § 5-18-103(a)(1)-(5), concerning trafficking of persons, are amended to read as follows:

(1) Recruits, harbors, transports, obtains, entices, solicits, isolates, provides, or maintains a person ~~knowing when he or she knows or~~ reasonably should know that the person will be subjected to involuntary servitude;

(2) Benefits financially or benefits by receiving anything of value from participation in a venture that he or she knows or reasonably should know is engaged in conduct prohibited under subdivision (a)(1) of this section;

(3) Subjects a person to involuntary servitude;

(4) Recruits, entices, solicits, isolates, harbors, transports, provides, maintains, or obtains a minor for commercial sexual activity;

(5) Sells or offers to sell travel services that he or she knows or reasonably should know include an activity prohibited under subdivisions (a)(1)-(4) of this section;

SECTION 4. Arkansas Code § 5-18-104(a), concerning patronizing a victim of human trafficking, is amended to read as follows:

(a) A person commits the offense of patronizing a victim of human trafficking if he or she knowingly engages in commercial sexual activity with another person ~~knowing that the other person~~ who he or she knows or reasonably should know is a victim of human trafficking.

SECTION 5. Arkansas Code § 5-26-303(b)(2)(B)(i), concerning domestic battering in the first degree, is amended to read as follows:

(i) Committed against a woman the person knew or reasonably should have known was pregnant; or

SECTION 6. Arkansas Code § 5-26-304(b)(2)(A), concerning domestic battering in the second degree, is amended to read as follows:

(A) Committed against a woman the person knew or reasonably should have known was pregnant; or

SECTION 7. Arkansas Code § 5-26-305(b)(2)(A), concerning domestic

battering in the third degree, is amended to read as follows:

(A) Committed against a woman the person knew or reasonably should have known was pregnant; or

SECTION 8. Arkansas Code § 5-36-124(b), concerning theft by receiving of scrap metal, is amended to read as follows:

(b) A person commits the offense of theft by receiving of scrap metal if he or she receives, retains, purchases, or disposes of scrap metal of another person and he or she knows or reasonably should have known that the scrap metal was stolen.

SECTION 9. Arkansas Code § 5-53-202(a), concerning threatening a judicial officer or juror, is amended to read as follows:

(a) A person commits the offense of threatening a judicial official or juror if the person directly or indirectly utters or otherwise makes a threat toward another person whom the person knows or reasonably should know to be a:

- (1) Judicial official;
- (2) Juror; or
- (3) Member of the immediate family of a judicial official or juror.

SECTION 10. Arkansas Code § 5-65-123(d)(2), concerning offenses involving a motor vehicle equipped with an ignition interlock device, is amended to read as follows:

(2) Knows or reasonably should have known that the other person was restricted from operating or being in actual physical control of a motor vehicle not equipped with an ignition interlock device.

SECTION 11. Arkansas Code § 5-73-108(a)(1)(B)(ii), concerning criminal acts involving explosives, is amended to read as follows:

(ii) Knows or reasonably should know that another person intends to use that explosive material or destructive device to commit an offense.

SECTION 12. Arkansas Code § 5-77-201(a)(2), concerning unlawful

possession, purchase, sale, or transfer of a blue light or blue lens cap, is amended to read as follows:

(2) Transfer a blue light or blue lens cap to another person whom the actor knows or reasonably should know has a purpose to unlawfully use the blue light or blue lens cap.

SECTION 13. Arkansas Code § 16-90-804(d)(2), concerning departures from the voluntary presumptive sentence range, is amended to read as follows:

(2) The offender knew or reasonably should have known that the victim was particularly vulnerable or incapable of resistance due to extreme youth, advanced age, disability, or ill health;

**APPROVED: 4/12/23**