

State of Arkansas
95th General Assembly
Regular Session, 2025

A Bill

SENATE BILL 435

By: Senator Irvin
By: Representative L. Johnson

For An Act To Be Entitled

AN ACT TO CREATE THE CRIMINAL OFFENSE OF AGGRAVATED
ASSAULT UPON A HEALTHCARE WORKER; TO DEFINE
"HEALTHCARE WORKER" REGARDING ASSAULT AND BATTERY;
AND FOR OTHER PURPOSES.

Subtitle

TO CREATE THE CRIMINAL OFFENSE OF
AGGRAVATED ASSAULT UPON A HEALTHCARE
WORKER; AND TO DEFINE "HEALTHCARE
WORKER" REGARDING ASSAULT AND BATTERY.

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

SECTION 1. Arkansas Code § 5-13-101 is amended to read as follows:
5-13-101. ~~Definition~~ Definitions.

As used in this chapter,:

(1) "First ~~"first~~ responder" means a law enforcement officer, firefighter, emergency medical provider, or emergency management official, who is acting within the scope or course of his or her employment; and

(2)(A) "Healthcare worker" means a person who is employed by, volunteers for, or contracts with a healthcare facility, organization, or healthcare service provider and is involved in the delivery, support, or administration of healthcare services, including without limitation:

(i) A physician;

(ii) A nurse;

(iii) A paramedic or other emergency responder;

(iv) A technician;



(v) A pharmacist;
(vi) A dentist;
(vii) A healthcare aide or assistant;
(viii) A therapist;
(ix) A case manager or care coordinator working in a healthcare setting; and
(x) Administrative staff, janitorial staff, security staff, and food services staff who directly support healthcare operations.

(B) "Healthcare worker" is not limited by location and may apply to a person working in any healthcare setting, including without limitation a hospital, clinic, nursing home, rehabilitation center, outpatient facility, home health agency, crime scenes, accident scenes, or any other setting in which healthcare services are provided.

SECTION 2. Arkansas Code § 5-13-202(a)(4)(E), concerning the criminal offense of battery in the second degree, is amended to read as follows:

(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 healthcare professional; or
 (iv) Any other healthcare ~~provider~~ worker providing services in support of medical treatment; or

SECTION 3. Arkansas Code Title 5, Chapter 13, Subchapter 2, is amended to add an additional section to read as follows:

5-13-215. Aggravated assault upon a healthcare worker.

(a) A person commits the offense of aggravated assault upon a healthcare worker if he or she, under circumstances manifesting extreme indifference to the personal hygiene and safety of the healthcare worker, purposely engages in conduct that creates a potential danger of infection to the healthcare worker while the healthcare worker is engaged in the course of his or her employment by causing a person whom the actor knows to be a

healthcare worker to come into contact with saliva, blood, urine, feces, seminal fluid, or other bodily fluid by purposely throwing, tossing, expelling, or otherwise transferring the fluid or material.

(b) Aggravated assault upon a healthcare worker is a Class D felony.

(c) This section does not amend, modify, or affect:

(1) The provisions of § 9-27-318(g) or § 9-27-318(h)(2), which require a finding to transfer a juvenile case to circuit court for prosecution as an adult to be supported by clear and convincing evidence; or

(2) The provisions of §§ 5-2-327 and 5-2-328 governing the determination of a defendant's fitness to proceed in a criminal case.

APPROVED: 4/17/25