

State of Arkansas
89th General Assembly
Regular Session, 2013

A Bill

HOUSE BILL 1026

By: Representative B. Wilkins

For An Act To Be Entitled

AN ACT TO INCREASE THE PENALTIES FOR AGGRAVATED
ASSAULT AND MISDEMEANOR ASSAULT IF COMMITTED AGAINST
CERTAIN PERSONS; AND FOR OTHER PURPOSES.

Subtitle

TO INCREASE THE PENALTIES FOR AGGRAVATED
ASSAULT AND MISDEMEANOR ASSAULT IF
COMMITTED AGAINST CERTAIN PERSONS.

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

SECTION 1. Arkansas Code § 5-13-204 is amended to read as follows:
5-13-204. Aggravated assault.

(a) A person commits aggravated assault if, under circumstances manifesting extreme indifference to the value of human life, he or she purposely:

(1) Engages in conduct that creates a substantial danger of death or serious physical injury to another person;

(2) Displays a firearm in ~~such~~ a manner that creates a substantial danger of death or serious physical injury to another person; or

(3) Impedes or prevents the respiration of another person or the circulation of another person's blood by applying pressure on the throat or neck or by blocking the nose or mouth of the other person.

(b) Aggravated assault is a Class D felony.

(c) Aggravated assault is a Class C felony if the victim is:

(1)(A) A law enforcement officer, firefighter, code enforcement officer, or employee of a correctional facility while acting in the scope of



his or her duty.

(B) As used in subdivision (c)(1)(A) of this section:

(i)(a) "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.

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

(ii) "Employee of a correctional facility" includes without limitation 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;

(2) A school employee while acting in the course of employment;

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

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

(A) A physician;

(B) A person certified as an emergency medical services personnel, as defined in § 20-13-202;

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

(D) Any other health care provider; or

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

~~(e)(d)~~ The provisions Subsection (a) of this section ~~do~~ does not apply to:

(1) A law enforcement officer acting within the scope of his or her duty; or

(2) A person acting in self-defense or the defense of a third party.

SECTION 2. Arkansas Code § 5-13-205 is amended to read as follows:

5-13-205. Assault in the first degree.

(a) A person commits assault in the first degree if he or she:

(1) Recklessly engages in conduct that creates a substantial risk of death or serious physical injury to another person; or

(2) Purposely impedes or prevents the respiration of another person or the circulation of another person's blood by applying pressure on the throat or neck or by blocking the nose or mouth of the other person.

(b) Assault in the first degree is a Class A misdemeanor.

(c) Assault in the first degree is a Class D felony if the victim is:

(1)(A) A law enforcement officer, firefighter, code enforcement officer, or employee of a correctional facility while acting in the scope of his or her duty.

(B) As used in subdivision (c)(1)(A) of this section:

(i)(a) "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.

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

(ii) "Employee of a correctional facility" includes without limitation 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;

(2) A school employee while acting in the course of employment;

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

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

(A) A physician;

(B) A person certified as an emergency medical services personnel, as defined in § 20-13-202;

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

(D) Any other health care provider; or

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

~~(e)~~(d) It is a defense to prosecution under subdivision (a)(2) of this section if the other person consented to the impeding or prevention of his or her respiration or circulation of blood.

SECTION 3. Arkansas Code § 5-13-206 is amended to read as follows:

5-13-206. Assault in the second degree.

(a) A person commits assault in the second degree if he or she recklessly engages in conduct that creates a substantial risk of physical injury to another person.

(b) Assault in the second degree is a Class B misdemeanor.

(c) Assault in the second degree is a Class A misdemeanor if the victim is:

(1)(A) A law enforcement officer, firefighter, code enforcement officer, or employee of a correctional facility while acting in the scope of his or her duty.

(B) As used in subdivision (c)(1)(A) of this section:

(i)(a) "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.

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

(ii) "Employee of a correctional facility" includes without limitation 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;

(2) A school employee while acting in the course of employment;

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

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

(A) A physician;

(B) A person certified as an emergency medical services personnel, as defined in § 20-13-202;

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

(D) Any other health care provider; or

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

SECTION 4. Arkansas Code § 5-13-207 is amended to read as follows:

5-13-207. Assault in the third degree.

(a) A person commits assault in the third degree if he or she purposely creates apprehension of imminent physical injury in another person.

(b) Assault in the third degree is a Class C misdemeanor.

(c) Assault in the third degree is a Class B misdemeanor if the victim is:

(1)(A) A law enforcement officer, firefighter, code enforcement officer, or employee of a correctional facility while acting in the scope of his or her duty.

(B) As used in subdivision (c)(1)(A) of this section:

(i)(a) "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.

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

(ii) "Employee of a correctional facility" includes without limitation 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;

(2) A school employee while acting in the course of employment;

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

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

(A) A physician;

(B) A person certified as an emergency medical services personnel, as defined in § 20-13-202;

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

(D) Any other health care provider; or

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