

Stricken language would be deleted from and underlined language would be added to present law.

State of Arkansas *As Engrossed: H2/12/13 H2/14/13 H2/20/13*
89th General Assembly **A Bill**
Regular Session, 2013

HOUSE BILL 1250

By: Representatives D. Whitaker, Baine, Ballinger, Broadway, Catlett, Hillman, Neal, Vines, Wardlaw

For An Act To Be Entitled

AN ACT AMENDING BATTERY IN THE SECOND DEGREE TO REFLECT WHEN INJURY TO ANOTHER PERSON OCCURS AS A RESULT OF DRIVING WHILE INTOXICATED; AND FOR OTHER PURPOSES.

Subtitle

AMENDING BATTERY IN THE SECOND DEGREE TO REFLECT WHEN INJURY TO ANOTHER PERSON OCCURS AS A RESULT OF DRIVING WHILE INTOXICATED.

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 ~~any~~ another person;

(2) With the purpose of causing physical injury to another person, the person causes physical injury to ~~any~~ 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 ~~By~~ means of a deadly weapon; or

(B) While operating or in actual physical control of a motor vehicle 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;

(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; ~~and~~

(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) Battery in the second degree is a Class D felony.

/s/D. Whitaker