

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

State of Arkansas
90th General Assembly
Regular Session, 2015

As Engrossed: H2/4/15
A Bill

HOUSE BILL 1117

By: Representatives Lowery, C. Fite, Hickerson, Petty, Richmond, Rushing, Vaught, *Eaves, D. Ferguson*

For An Act To Be Entitled

AN ACT CREATING ENHANCED PENALTIES FOR OFFENSES
COMMITTED AGAINST AN ELDER PERSON; AND FOR OTHER
PURPOSES.

Subtitle

CREATING ENHANCED PENALTIES FOR OFFENSES
COMMITTED AGAINST AN ELDER PERSON.

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

SECTION 1. Arkansas Code § 5-4-701, concerning enhanced penalties for certain offenses, is amended to add two new definitions to read as follows:

(3) "Elder person" means a person who is sixty-five (65) years of age or older; and

(4) "Property" means severed real property or tangible or intangible personal property, including money or any paper or document that represents or embodies anything of value.

SECTION 2. Arkansas Code Title 5, Chapter 4, Subchapter 7, is amended to add a new section to read as follows:

5-4-703. Enhanced penalties for offenses committed against an elder person.

(a) A person who commits a felony offense that results in physical injury to or the deprivation of property of an elder person may be subject to an enhanced sentence of an additional term of imprisonment of not less than one (1) year and not greater than ten (10) years.

(b) To seek an enhanced penalty established under this section, the



prosecuting attorney shall include a specific charge on the information or indictment that the defendant is subject to the enhanced penalty.

(c) In order for the enhanced penalty under this section to be imposed, the finder of fact must find that the defendant purposely caused physical injury to the elder person or purposely deprived the elder person of property.

(d) The enhanced penalty under this section is:

(1) In addition to any other sentence or sentence enhancement that may be imposed; and

(2) Consecutive to any other sentence or sentence enhancement imposed.

(e) A person convicted under this section is not eligible for early release on parole or community correction transfer for the portion of the sentence enhanced under this section.

/s/Lowery