

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

State of Arkansas
91st General Assembly
Regular Session, 2017

As Engrossed: H3/14/17

A Bill

HOUSE BILL 2116

By: Representative Holcomb

By: Senator B. Sample

For An Act To Be Entitled

AN ACT TO PROTECT FREIGHT RAIL EMPLOYEES AND PUBLIC
TRANSIT EMPLOYEES BY ENHANCING THE PENALTIES OF
CERTAIN CRIMINAL OFFENSES; AND FOR OTHER PURPOSES.

Subtitle

TO PROTECT FREIGHT RAIL EMPLOYEES AND
PUBLIC TRANSIT EMPLOYEES BY ENHANCING THE
PENALTIES OF CERTAIN CRIMINAL OFFENSES.

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

SECTION 1. Arkansas Code § 5-4-701, concerning definitions used for sentence enhancements, as amended by Acts 2017, No. 332, is amended to add additional subdivisions to read as follows:

(6) "Conductor" means a conductor, switchman, brakeman, trainman, or fireman licensed and certified by the Federal Railroad Administration;

(7) "Engineer" means an engineer licensed and certified by the Federal Railroad Administration;

(8) "Public transit employee" means a bus, rail, or trolley operator tasked with the transport of persons;

(9) "Railroad or public transit employee" means a conductor, engineer, public transit employee, or railroad management; and

(10) "Railroad management" means a rail employee overseeing and assisting in the operation of rail transit.



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

5-4-705. Sentence enhancement for offense targeting railroad or public transit employee.

(a) A person is subject to an enhanced sentence under this section if the person purposely selected the victim of an offense committed by the person because the victim is a railroad or public transit employee.

(b) If a sentence enhancement is sought under this section, the information or indictment shall include:

(1) That the sentence enhancement under this section is being sought; and

(2) The allegations supporting the imposition of the enhanced sentence under this section.

(c) The sentence enhancement under this section is as follows:

(1) If the person is convicted of a Class A misdemeanor or an unclassified misdemeanor with a possible sentence greater than ninety (90) days' imprisonment, an additional period of imprisonment of not more than one (1) year;

(2) If the person is convicted of a Class C felony, Class D felony, or an unclassified felony, an additional period of imprisonment of at least six (6) months but no more than two (2) years; and

(3) If the person is convicted of a Class Y felony, Class A felony, or Class B felony, an additional period of imprisonment of at least two (2) years but no more than ten (10) years.

/s/Holcomb