

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

State of Arkansas
91st General Assembly
Regular Session, 2017

A Bill

SENATE BILL 20

By: Senator J. Hendren

For An Act To Be Entitled

AN ACT CONCERNING THE OFFENSE OF AGGRAVATED ASSAULT UPON A CERTIFIED LAW ENFORCEMENT OFFICER OR AN EMPLOYEE OF A CORRECTIONAL FACILITY; TO PROVIDE A MORE SERIOUS PENALTY FOR KNOWINGLY DISCHARGING A FIREARM AT A LAW ENFORCEMENT OFFICER IN CERTAIN CIRCUMSTANCES; AND FOR OTHER PURPOSES.

Subtitle

CONCERNING THE OFFENSE OF AGGRAVATED ASSAULT UPON A CERTIFIED LAW ENFORCEMENT OFFICER OR AN EMPLOYEE OF A CORRECTIONAL FACILITY; TO PROVIDE A MORE SERIOUS PENALTY FOR KNOWINGLY DISCHARGING A FIREARM AT A LAW ENFORCEMENT OFFICER.

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

SECTION 1. Arkansas Code § 5-4-106(b), concerning the list of offenses for which an extended post-conviction no contact order may be issued, is amended to add a new subdivision to read as follows:

(11) Aggravated assault upon a law enforcement officer or an employee of a correctional facility, § 5-13-211, if a Class Y felony.

SECTION 2. Arkansas Code § 5-4-501(c)(2)(A), concerning the list of serious felonies involving violence under the habitual offender statutes, is amended to add a new subdivision to read as follows:

(x) Aggravated assault upon a law enforcement



officer or an employee of a correctional facility, § 5-13-211, if a Class Y felony; or

SECTION 3. Arkansas Code § 5-4-501(d)(2)(A), concerning the list of felonies involving violence under the habitual offender statutes, is amended to add a new subdivision to read as follows:

(xvi) Aggravated assault upon a law enforcement officer or an employee of a correctional facility, § 5-13-211, if a Class Y felony; or

SECTION 4. Arkansas Code § 5-4-501(d)(2)(A)(xv), concerning the list of felonies involving violence under the habitual offender statutes, is amended to read as follows:

(xv) A felony attempt, solicitation, or conspiracy to commit:

- (a) Capital murder, § 5-10-101;
- (b) Murder in the first degree, § 5-10-102;
- (c) Murder in the second degree, § 5-10-103;
- (d) Kidnapping, § 5-11-102;
- (e) Aggravated robbery, § 5-12-103;

(f) Aggravated assault upon a law enforcement officer or an employee of a correctional facility, § 5-13-211, if a Class Y felony;

~~(f)~~(g) Rape, § 5-14-103;

~~(g)~~(h) Battery in the first degree, § 5-13-201;

~~(h)~~(i) Domestic battering in the first degree, § 5-26-303;

~~(i)~~(j) Residential burglary, § 5-39-201(a); or

~~(j)~~(k) Aggravated residential burglary, § 5-39-204; or

SECTION 5. Arkansas Code § 5-13-211 is amended to read as follows:

5-13-211. Aggravated assault upon a ~~certified~~ law enforcement officer or an employee of a correctional facility.

(a) A person commits aggravated assault upon a ~~certified~~ law

enforcement officer or an employee of a correctional facility if, ~~under:~~

(1) Under circumstances manifesting extreme indifference to the personal hygiene of the ~~certified~~ law enforcement officer or employee of the correctional facility, the person purposely engages in conduct that creates a potential danger of infection to the ~~certified~~ law enforcement officer or an employee of any state or local correctional facility while the ~~certified~~ law enforcement officer or employee of the state or local correctional facility is engaged in the course of his or her employment by causing a person whom the actor knows to be a ~~certified~~ law enforcement officer or employee of the state or local correctional facility 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; or

(2) He or she knowingly discharges a firearm with a purpose to cause serious physical injury or death to a law enforcement officer or an employee of a correctional facility while the law enforcement officer or employee of a correctional facility is acting within the scope of his or her official duties and the person:

(A) Is in custody as a result of a felony conviction;

(B) Is unlawfully at liberty after being sentenced to imprisonment as a result of a felony conviction;

(C) Has a felony conviction for a felony offense which contained as an element the use or threat of violence against another person or the creation of a substantial risk of death or serious physical injury to another person;

(D) Knowingly creates a substantial risk of serious physical injury or death to a person other than the law enforcement officer or the employee of a correctional facility;

(E) Causes the death of more than one (1) person;

(F) Is acting with a purpose to avoid or prevent an arrest or to escape from custody;

(G) Is acting with a purpose to obtain a pecuniary gain;

or

(H) Is acting with a purpose to disrupt or hinder the lawful exercise of any government or political function.

(b) Aggravated assault upon a ~~certified~~ law enforcement officer or an employee of a correctional facility is:

- (1) a Class D felony under subdivision (a)(1) of this section;
or
(2) A Class Y felony under subdivision (a)(2) of this section.

SECTION 6. Arkansas Code § 5-79-101(a)(1), concerning the offenses for which a person is required to have been found guilty that would prohibit the person from possessing body armor, is amended to add a new subdivision to read as follows:

(I) Aggravated assault upon a law enforcement officer or an employee of a correctional facility, § 5-13-211, if a Class Y felony.

SECTION 7. Arkansas Code § 6-17-410(c), concerning offenses for which a person is disqualified from being eligible to receive or hold a license as teacher at an elementary or secondary educational entity, is amended to add a new subdivision to read as follows:

(45) Aggravated assault upon a law enforcement officer or an employee of a correctional facility, § 5-13-211, if a Class Y felony.

SECTION 8. Arkansas Code § 6-17-414(b), concerning offenses for which a person is disqualified from employment as nonlicensed staff at an educational entity, is amended to add a new subdivision to read as follows:

(45) Aggravated assault upon a law enforcement officer or an employee of a correctional facility, § 5-13-211, if a Class Y felony.

SECTION 9. Arkansas Code § 9-27-357(a), concerning the offenses for which a juvenile is required to submit to a DNA sample upon a delinquency finding, is amended to add a new subdivision to read as follows:

(11) Aggravated assault upon a law enforcement officer or an employee of a correctional facility, § 5-13-211, if a Class Y felony.

SECTION 10. Arkansas Code § 9-28-409(e)(2), concerning offenses for which a person is disqualified from having direct and unsupervised contact with a child in the care of a child welfare agency, is amended to add a new subdivision to read as follows:

(K) Aggravated assault upon a law enforcement officer or an employee of a correctional facility, § 5-13-211, if a Class Y felony.

SECTION 11. Arkansas Code § 12-12-104(f)(3), concerning the definition of violent offense in regard to physical evidence in sex offense prosecutions, is amended to add a new subdivision to read as follows:

(Q) Aggravated assault upon a law enforcement officer or an employee of a correctional facility, § 5-13-211, if a Class Y felony.

SECTION 12. Arkansas Code § 16-90-803(b)(2)(C)(iii)(a), concerning the weight given certain felonies under the voluntary presumptive sentencing standards, is amended to add a new subdivision to read as follows:

(8) Aggravated assault upon a law enforcement officer or an employee of a correctional facility, § 5-13-211, if a Class Y felony.

SECTION 13. Arkansas Code § 16-90-803(b)(2)(C)(iii)(b)(1), concerning the weight given certain felonies under the voluntary presumptive sentencing standards, is amended to add a new subdivision to read as follows:

(H) Aggravated assault upon a law enforcement officer or an employee of a correctional facility, § 5-13-211, if a Class Y felony.

SECTION 14. Arkansas Code § 16-91-110(b)(3), concerning offenses for which a court shall not release a person on bond following a conviction, is amended to read as follows:

(3) When a criminal defendant has been found guilty, pleaded guilty, or pleaded nolo contendere to a criminal offense of murder in the first degree, § 5-10-102, rape, § 5-14-103, aggravated robbery, § 5-12-103, aggravated assault upon a law enforcement officer or an employee of a correctional facility, § 5-13-211, if a Class Y felony, or causing a catastrophe, § 5-38-202(a), or the criminal offense of kidnapping, § 5-11-102, or arson, § 5-38-301, when classified as Class Y felonies, manufacturing methamphetamine, § 5-64-423(a) or the former § 5-64-401, and is sentenced to death or a term of imprisonment, the court shall not release the defendant on bail or otherwise pending appeal or for any reason.

SECTION 15. Arkansas Code § 17-17-312(f), concerning offenses for

which a person is disqualified from being eligible to receive or hold a license as an auctioneer, is amended to add a new subdivision to read as follows:

(32) Aggravated assault upon a law enforcement officer or an employee of a correctional facility, § 5-13-211, if a Class Y felony.

SECTION 16. Arkansas Code § 17-27-313(e), concerning offenses for which a person is disqualified from being eligible to receive or hold a license as a counselor, is amended to add a new subdivision to read as follows:

(34) Aggravated assault upon a law enforcement officer or an employee of a correctional facility, § 5-13-211, if a Class Y felony.

SECTION 17. Arkansas Code § 17-87-312(e), concerning offenses for which a person is disqualified from being eligible to receive or hold a license as a nurse, is amended to add a new subdivision to read as follows:

(34) Aggravated assault upon a law enforcement officer or an employee of a correctional facility, § 5-13-211, if a Class Y felony.

SECTION 18. Arkansas Code § 17-87-312(1)(2), concerning offenses for which a person is permanently disqualified from being eligible to receive or hold a license as a nurse, is amended to add a new subdivision to read as follows:

(K) Aggravated assault upon a law enforcement officer or an employee of a correctional facility, § 5-13-211, if a Class Y felony.

SECTION 19. Arkansas Code § 17-97-312(f), concerning offenses for which a person is disqualified from being eligible to receive or hold a license as a psychologist or psychological examiner, is amended to add a new subdivision to read as follows:

(34) Aggravated assault upon a law enforcement officer or an employee of a correctional facility, § 5-13-211, if a Class Y felony.

SECTION 20. Arkansas Code § 17-97-312(m)(2), concerning offenses for which a person is permanently disqualified from being eligible to receive or hold a license as a psychologist or psychological examiner, is amended to add

a new subdivision to read as follows:

(K) Aggravated assault upon a law enforcement officer or an employee of a correctional facility, § 5-13-211, if a Class Y felony.

SECTION 21. Arkansas Code § 17-103-307(e), concerning offenses for which a person is disqualified from being eligible to receive or hold a license as a social worker, is amended to add a new subdivision to read as follows:

(34) Aggravated assault upon a law enforcement officer or an employee of a correctional facility, § 5-13-211, if a Class Y felony.

SECTION 22. Arkansas Code § 17-103-307(k)(2), concerning offenses for which a person is permanently disqualified from being eligible to receive or hold a license as a social worker, is amended to add a new subdivision to read as follows:

(K) Aggravated assault upon a law enforcement officer or an employee of a correctional facility, § 5-13-211, if a Class Y felony.

SECTION 23. Arkansas Code § 20-13-1106(b), concerning offenses for which a person is disqualified from certification or recertification as emergency medical services personnel, is amended to add a new subdivision to read as follows:

(35) Aggravated assault upon a law enforcement officer or an employee of a correctional facility, § 5-13-211, if a Class Y felony.

SECTION 24. Arkansas Code § 20-13-1106(e)(2), concerning offenses for which a person is permanently disqualified from certification or recertification as emergency medical services personnel, is amended to add a new subdivision to read as follows:

(K) Aggravated assault upon a law enforcement officer or an employee of a correctional facility, § 5-13-211, if a Class Y felony.

SECTION 25. Arkansas Code § 20-38-105(b), concerning offenses for which a person is disqualified from employment, is amended to add a new subdivision to read as follows:

(60) Aggravated assault upon a law enforcement officer or an

employee of a correctional facility, § 5-13-211, if a Class Y felony.

SECTION 26. Arkansas Code § 20-38-105(c)(2)(A), concerning offenses for which a person is permanently disqualified from employment, is amended to add a new subdivision to read as follows:

(xi) Aggravated assault upon a law enforcement officer or an employee of a correctional facility, § 5-13-211, if a Class Y felony.

SECTION 27. Arkansas Code § 21-15-102(f), concerning offenses for which a person is disqualified from employment with a state agency, is amended to add a new subdivision to read as follows:

(35) Aggravated assault upon a law enforcement officer or an employee of a correctional facility, § 5-13-211, if a Class Y felony.

SECTION 28. Arkansas Code § 21-15-102(g)(2), concerning offenses for which a person is permanently disqualified from employment with a state agency, is amended to add a new subdivision to read as follows:

(K) Aggravated assault upon a law enforcement officer or an employee of a correctional facility, § 5-13-211, if a Class Y felony.

SECTION 29. Arkansas Code § 21-15-103(g), concerning offenses for which a state agency shall discharge a person from employment, is amended to add a new subdivision to read as follows:

(34) Aggravated assault upon a law enforcement officer or an employee of a correctional facility, § 5-13-211, if a Class Y felony.

SECTION 30. Arkansas Code § 21-15-103(h)(2), concerning offenses for which a person is permanently disqualified from employment by a state agency, is amended to add a new subdivision to read as follows:

(K) Aggravated assault upon a law enforcement officer or an employee of a correctional facility, § 5-13-211, if a Class Y felony.

SECTION 31. Arkansas Code § 21-15-104(c), concerning offenses a state agency may not waive regarding the exclusion or discharge requirement of a person in a designated position, is amended to add a new subdivision to read

as follows:

(20) Aggravated assault upon a law enforcement officer or an employee of a correctional facility, § 5-13-211, if a Class Y felony.