

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

State of Arkansas      *As Engrossed: H3/9/21 H3/15/21 H3/29/21*  
93rd General Assembly      **A Bill**  
Regular Session, 2021

HOUSE BILL 1646

By: Representatives Cloud, Barker, Beck, S. Berry, Boyd, Bragg, Breaux, Brooks, Brown, Bryant, Cavanaugh, Christiansen, Coleman, Cozart, Crawford, Dotson, Evans, C. Fite, L. Fite, Furman, Gazaway, Gonzales, Haak, Hawks, Hillman, Hollowell, Ladyman, Lynch, Maddox, J. Mayberry, McClure, McCollum, McNair, S. Meeks, Miller, Payton, Ray, Slape, B. Smith, S. Smith, Tollett, Underwood, Watson, Wooten, *Pilkington*

By: Senators Rapert, *B. Ballinger, Beckham, Flippo, Gilmore, Hill, B. Johnson*

### **For An Act To Be Entitled**

AN ACT CONCERNING THE DEFINITION OF "PERSON" IN THE  
ARKANSAS CRIMINAL CODE; AND FOR OTHER PURPOSES.

### **Subtitle**

CONCERNING THE DEFINITION OF "PERSON" IN  
THE ARKANSAS CRIMINAL CODE.

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

*SECTION 1. Arkansas Code § 5-1-102(13), concerning the definition of "person" and its application in the Arkansas Criminal Code, is amended to read as follows:*

*(13)(A) "Person", "actor", "defendant", "he", "she", "her", or "him" includes:*

*(i) Any natural person; and*

*(ii) When appropriate, an organization as defined in § 5-2-501.*

*(B)(i)(a) As used in §§ 5-10-101 – 5-10-105 and 5-4-604, "person" also includes an unborn child in utero at any stage of development.*

*(b) "Unborn child" means offspring of human beings from conception until birth.*

*(ii) This subdivision (13)(B) does not apply to:*



(a) *An act that causes the death of an unborn child in utero if the act was committed during a legal abortion to which the woman consented, including an abortion performed to remove an ectopic pregnancy or other nonviable pregnancy when the embryo is not going to develop further;*

(b) *An act that is committed pursuant to a usual and customary standard of medical practice during diagnostic testing or therapeutic treatment;*

(c) *An act that is committed in the course of medical research, experimental medicine, or an act deemed necessary to save the life or preserve the health of the woman;*

(d) *Assisted reproduction technology activity, procedure, or treatment; or*

(e) *An act occurring before transfer to the uterus of the woman of an embryo created through in vitro fertilization.*

(iii) *Nothing in this subdivision (13)(B) shall be construed to allow the charging or conviction of a woman with any criminal offense in the death of her own unborn child in utero;*

*/s/Cloud*