

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

State of Arkansas
94th General Assembly
Regular Session, 2023

A Bill

HOUSE BILL 1536

By: Representative Vaught

For An Act To Be Entitled

AN ACT TO AMEND THE LAW CONCERNING MURDER IN THE SECOND DEGREE; TO PERMIT AN INTOXICATED DRIVER OR OPERATOR OF AN AIRCRAFT WHO CAUSES THE DEATH OF A PERSON UNDER CIRCUMSTANCES MANIFESTING EXTREME INDIFFERENCE TO HUMAN LIFE TO BE CHARGED WITH MURDER IN THE SECOND DEGREE; TO CREATE VON'S LAW; AND FOR OTHER PURPOSES.

Subtitle

TO AMEND THE LAW CONCERNING MURDER IN THE SECOND DEGREE; TO PERMIT AN INTOXICATED DRIVER OR OPERATOR OF AN AIRCRAFT WHO CAUSES THE DEATH OF A PERSON TO BE CHARGED WITH MURDER IN THE SECOND DEGREE; AND TO CREATE VON'S LAW.

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

SECTION 1. DO NOT CODIFY. This act shall be known and may be cited as "Von's Law".

SECTION 2. Arkansas Code § 5-10-103 is amended to read as follows:
5-10-103. Murder in the second degree.

(a) A person commits murder in the second degree if:

(1) The person knowingly causes the death of another person under circumstances manifesting extreme indifference to the value of human life; ~~or~~



(2) With the purpose of causing serious physical injury to another person, the person causes the death of any person; or

(3) Under circumstances manifesting extreme indifference to the value of human life, he or she recklessly causes the death of another person as a result of operating a motor vehicle, an aircraft, or a motorboat:

(A) While intoxicated; or

(B)(i) If at that time, there is an alcohol concentration of eight hundredths (0.08) or more in the person's breath or blood, based upon the definition of alcohol concentration in § 5-65-204, as determined by a chemical test of the person's blood, urine, breath, saliva, or other bodily substance.

(ii) The method of the chemical test of the person's blood, urine, saliva, breath, or other bodily substance shall be made in accordance with §§ 5-65-204 and 5-65-206.

(b) As used in this section:

(1) "Aircraft" means the same as defined in § 5-75-101;

(2) "Intoxicated" means the same as defined in § 5-65-102;

(3) "Motorboat" means the same as defined in § 5-65-102; and

(4) "Motor vehicle" means the same as defined in § 5-65-102.

(c) Murder in the second degree is a Class A felony.