

State of Arkansas
95th General Assembly
Regular Session, 2025

A Bill

SENATE BILL 435

By: Senator Irvin
By: Representative L. Johnson

For An Act To Be Entitled

AN ACT TO CREATE THE CRIMINAL OFFENSE OF AGGRAVATED
ASSAULT UPON A HEALTHCARE WORKER; TO DEFINE
"HEALTHCARE WORKER" REGARDING ASSAULT AND BATTERY;
AND FOR OTHER PURPOSES.

Subtitle

TO CREATE THE CRIMINAL OFFENSE OF
AGGRAVATED ASSAULT UPON A HEALTHCARE
WORKER; AND TO DEFINE "HEALTHCARE
WORKER" REGARDING ASSAULT AND BATTERY.

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

SECTION 1. Arkansas Code § 5-13-101 is amended to read as follows:
5-13-101. ~~Definition~~ Definitions.

As used in this chapter,

(1) "First ~~"first~~ responder" means a law enforcement officer,
firefighter, emergency medical provider, or emergency management official,
who is acting within the scope or course of his or her employment; and

(2)(A) "Healthcare worker" means a person who is employed by,
volunteers for, or contracts with a healthcare facility, organization, or
healthcare service provider and is involved in the delivery, support, or
administration of healthcare services, including without limitation:

(i) A physician;

(ii) A nurse;

(iii) A paramedic or other emergency responder;

(iv) A technician;



1 (v) A pharmacist;
 2 (vi) A dentist;
 3 (vii) A healthcare aide or assistant;
 4 (viii) A therapist;
 5 (ix) A case manager or care coordinator working in a
 6 healthcare setting; and
 7 (x) Administrative staff, janitorial staff, security
 8 staff, and food services staff who directly support healthcare operations.

9 (B) "Healthcare worker" is not limited by location and may
 10 apply to a person working in any healthcare setting, including without
 11 limitation a hospital, clinic, nursing home, rehabilitation center,
 12 outpatient facility, home health agency, crime scenes, accident scenes, or
 13 any other setting in which healthcare services are provided.

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 15 SECTION 2. Arkansas Code § 5-13-202(a)(4)(E), concerning the criminal
 16 offense of battery in the second degree, is amended to read as follows:

17 (E) While performing medical treatment or emergency
 18 medical services or while in the course of other employment relating to his
 19 or her medical training:

20 (i) A physician;
 21 (ii) A person licensed as emergency medical services
 22 personnel, as defined in § 20-13-202;
 23 (iii) A licensed or certified healthcare
 24 professional; or
 25 (iv) Any other healthcare ~~provider~~ worker providing
 26 services in support of medical treatment; or

27
 28 SECTION 3. Arkansas Code Title 5, Chapter 13, Subchapter 2, is amended
 29 to add an additional section to read as follows:

30 5-13-215. Aggravated assault upon a healthcare worker.

31 (a) A person commits the offense of aggravated assault upon a
 32 healthcare worker if he or she, under circumstances manifesting extreme
 33 indifference to the personal hygiene and safety of the healthcare worker,
 34 purposely engages in conduct that creates a potential danger of infection to
 35 the healthcare worker while the healthcare worker is engaged in the course of
 36 his or her employment by causing a person whom the actor knows to be a

1 healthcare worker to come into contact with saliva, blood, urine, feces,
2 seminal fluid, or other bodily fluid by purposely throwing, tossing,
3 expelling, or otherwise transferring the fluid or material.

4 (b) Aggravated assault upon a healthcare worker is a Class D felony.

5 (c) This section does not amend, modify, or affect:

6 (1) The provisions of § 9-27-318(g) or § 9-27-318(h)(2), which
7 require a finding to transfer a juvenile case to circuit court for
8 prosecution as an adult to be supported by clear and convincing evidence; or

9 (2) The provisions of §§ 5-2-327 and 5-2-328 governing the
10 determination of a defendant's fitness to proceed in a criminal case.

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13 **APPROVED: 4/17/25**
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