

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

Act 332 of the Regular Session

1 State of Arkansas

As Engrossed: H1/23/09 S2/17/09 S2/24/09

2 87th General Assembly

A Bill

3 Regular Session, 2009

HOUSE BILL 1040

4  
5 By: Representatives D. Creekmore, T. Baker, Lea, M. Martin, Nix, Pyle, L. Smith, B. Wilkins

6 By: Senators D. Johnson, Broadway, H. Wilkins

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10 **For An Act To Be Entitled**

11 *AN ACT TO AMEND THE OFFENSES OF AGGRAVATED*  
12 *ASSAULT AND ASSAULT IN THE FIRST DEGREE; AND FOR*  
13 *OTHER PURPOSES.*

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16 **Subtitle**

17 *AN ACT TO AMEND THE OFFENSES OF*  
18 *AGGRAVATED ASSAULT AND ASSAULT IN THE*  
19 *FIRST DEGREE.*

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

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24 *Section 1. Arkansas Code 5-13-204 is amended to read as follows:*  
25 *5-13-204. Aggravated assault.*

26 *(a) A person commits aggravated assault if, under circumstances*  
27 *manifesting extreme indifference to the value of human life, he or she*  
28 *purposely:*

29 *(1) Engages in conduct that creates a substantial danger of*  
30 *death or serious physical injury to another person; ~~or~~*

31 *(2) Displays a firearm in such a manner that creates a*  
32 *substantial danger of death or serious physical injury to another person; or*

33 *(3) Impedes or prevents the respiration of another person or the*  
34 *circulation of another person's blood by applying pressure on the throat or*  
35 *neck or by blocking the nose or mouth of the other person.*



1 (b) Aggravated assault is a Class D felony.

2 (c) The provisions of this section do not apply to:

3 (1) A law enforcement officer acting within the scope of his or  
4 her duty; or

5 (2) ~~Any~~ A person acting in self-defense or the defense of a  
6 third party.

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8 Section 2. Arkansas Code 5-13-205 is amended to read as follows:  
9 5-13-205. Assault in the first degree.

10 (a) A person commits assault in the first degree if he or she:

11 (1) ~~recklessly~~ Recklessly engages in conduct that creates a  
12 substantial risk of death or serious physical injury to another person; or

13 (2) Purposely impedes or prevents the respiration of another  
14 person or the circulation of another person's blood by applying pressure on  
15 the throat or neck or by blocking the nose or mouth of the other person.

16 (b) Assault in the first degree is a Class A misdemeanor.

17 (c) It is a defense to prosecution under subdivision (a)(2) of this  
18 section if the other person consented to the impeding or prevention of his or  
19 her respiration or circulation of blood.

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22 /s/ D. Creekmore

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24 APPROVED: 3/10/2009