

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 344 of the Regular Session

1 State of Arkansas
2 87th General Assembly
3 Regular Session, 2009
4

As Engrossed: H2/10/09 H2/18/09

A Bill

HOUSE BILL 1396

5 By: Representatives J. Edwards, *Adcock*

6 By: Senator Elliott
7
8

For An Act To Be Entitled

10 AN ACT TO MAKE THE OFFENSE OF BATTERY IN THE
11 SECOND DEGREE APPLICABLE TO THOSE WHO CAUSE
12 BODILY HARM TO ANIMAL CONTROL AND CODE
13 ENFORCEMENT OFFICERS; AND FOR OTHER PURPOSES.
14

Subtitle

15 TO MAKE THE OFFENSE OF BATTERY IN THE
16 SECOND DEGREE APPLICABLE TO THOSE WHO
17 CAUSE BODILY HARM TO ANIMAL CONTROL AND
18 CODE ENFORCEMENT OFFICERS.
19
20
21

22 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
23

24 SECTION 1. Arkansas Code § 5-13-202 is amended to read as
25 follows:

26 5-13-202. Battery in the second degree.

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

28 (1) With the purpose of causing physical injury to another
29 person, the person causes serious physical injury to any person;

30 (2) With the purpose of causing physical injury to another
31 person, the person causes physical injury to any person by means of a deadly
32 weapon other than a firearm;

33 (3) The person recklessly causes serious physical injury to
34 another person by means of a deadly weapon; or

35 (4) The person knowingly, without legal justification, causes



1 physical injury to a person he or she knows to be:

2 (A)(i) A law enforcement officer, firefighter, or employee
3 of a correctional facility while the law enforcement officer, firefighter,
4 code enforcement officer, or employee of a correctional facility is acting in
5 the line of duty.

6 (ii) As used in this subdivision (a)(4)(A)~~;~~:

7 (a) ~~“employee~~ Employee of a correctional
8 facility” includes a person working under a professional services contract
9 with the Department of Correction, the Department of Community Correction, or
10 the Division of Youth Services of the Department of Human Services; and

11 (b)(1) “Code enforcement officer” means an
12 individual charged with the duty of enforcing a municipal code, municipal
13 ordinance, or municipal regulation as defined by a municipal code, municipal
14 ordinance, or municipal regulation.

15 (2) “Code enforcement officer” includes
16 a municipal animal control officer.

17 (B) A teacher or other school employee while acting in the
18 course of employment;

19 (C) An individual sixty (60) years of age or older or
20 twelve (12) years of age or younger;

21 (D) An officer or employee of the state while the officer
22 or employee of the state is acting in the performance of his or her lawful
23 duty;

24 (E) While performing medical treatment or emergency
25 medical services or while in the course of other employment relating to his
26 or her medical training:

27 (i) A physician;

28 (ii) A person certified as an emergency medical
29 technician, as defined in § 20-13-202;

30 (iii) A licensed or certified health care
31 professional; or

32 (iv) Any other health care provider; or

33 (F) An individual who is incompetent, as defined in § 5-
34 25-101.

35 (b) Battery in the second degree is a Class D felony.
36

1

/s/ J. Edwar

APPROVED: 3/10/2009s