

1 State of Arkansas *As Engrossed: H1/19/17 S2/16/17*

2 91st General Assembly

# A Bill

3 Regular Session, 2017

HOUSE BILL 1172

4

5 By: Representatives Tosh, Drown, Ballinger, Baltz, Barker, Beck, Bentley, Bragg, Brown, Coleman,  
6 Collins, Davis, Dotson, C. Douglas, Eaves, K. Ferguson, Fielding, C. Fite, L. Fite, Gates, Gazaway, M.  
7 Gray, Hammer, Henderson, Hillman, G. Hodges, Holcomb, Hollowell, House, Ladyman, Lemons,  
8 Lundstrum, G. McGill, Nicks, Payton, Petty, Richmond, Rushing, Rye, B. Smith, Speaks, Sturch,  
9 Sullivan, Wardlaw

10 By: Senators G. Stubblefield, B. Johnson

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## For An Act To Be Entitled

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AN ACT CREATING A SENTENCE ENHANCEMENT FOR CERTAIN  
14 CRIMINAL OFFENSES TARGETING A CURRENT OR FORMER LAW  
15 ENFORCEMENT OFFICER, FIRST RESPONDER, OR A FAMILY  
16 MEMBER OF A CURRENT OR FORMER LAW ENFORCEMENT OFFICER  
17 OR FIRST RESPONDER; TO DECLARE AN EMERGENCY; AND FOR  
18 OTHER PURPOSES.

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## Subtitle

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CREATING A SENTENCE ENHANCEMENT FOR  
23 CERTAIN CRIMINAL OFFENSES TARGETING A  
24 CURRENT OR FORMER LAW ENFORCEMENT  
25 OFFICER, FIRST RESPONDER, OR HIS OR HER  
26 FAMILY; AND TO DECLARE AN EMERGENCY.

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

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31 SECTION 1. DO NOT CODIFY. Legislative intent.

32 (a) The General Assembly finds that there are a number of criminal  
33 offenses that have heightened or enhanced sentences when the victim is a law  
34 enforcement officer or first responder as opposed to if the victim of a  
35 similar criminal offense were just a member of the public at large.

36 (b) The sentence enhancement under Section 3 of this act is not



1 intended to apply to criminal offenses against a law enforcement officer or  
2 first responder when the criminal offenses already provide for a heightened  
3 or enhanced sentence because the victim is a law enforcement officer or first  
4 responder.

5 (c) Therefore, it is the intent of the General Assembly that  
6 subsection (d) of Section 3 of this act prohibits a sentence enhancement  
7 under Section 3 of this act when the victim of the criminal offense is a law  
8 enforcement officer or first responder and the criminal offense for which the  
9 defendant was charged could only be committed against a law enforcement  
10 officer or first responder.

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12 SECTION 2. Arkansas Code § 5-4-701, concerning definitions, is amended  
13 to add additional subdivisions to read as follows:

14 (3) "Family member of a current or former law enforcement  
15 officer or first responder" means the husband, wife, son, daughter, brother,  
16 sister, or parent of a current or former law enforcement officer or first  
17 responder;

18 (4) "First responder" means a firefighter or a person employed  
19 as an emergency medical provider; and

20 (5) "Law enforcement officer" includes without limitation a:

21 (A) Prosecuting attorney or a deputy prosecuting attorney;

22 (B) Code enforcement officer; and

23 (C) Corrections officer.

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25 SECTION 3. Arkansas Code Title 5, Chapter 4, Subchapter 7, is amended  
26 to add an additional section to read as follows:

27 5-4-704. Sentence enhancement for offense targeting current or former  
28 law enforcement officer, first responder, or family member of current or  
29 former law enforcement officer or first responder.

30 (a) A person is subject to an enhanced sentence under this section if  
31 the person purposely selected the victim of an offense committed by the  
32 person because the victim is:

33 (1) Currently employed or was formerly employed as a law  
34 enforcement officer or first responder; or

35 (2) A family member of a current or former law enforcement  
36 officer or first responder.

1 (b) If a sentence enhancement is sought under this section, the  
2 information or indictment shall include:

3 (1) That the sentence enhancement under this section is being  
4 sought; and

5 (2) The allegations supporting the imposition of the enhanced  
6 sentence under this section.

7 (c) The sentence enhancement under this section is as follows:

8 (1) If the person is convicted of a Class A misdemeanor or an  
9 unclassified misdemeanor with a possible sentence greater than ninety (90)  
10 days' imprisonment, an additional period of imprisonment of not more than one  
11 (1) year;

12 (2) If the person is convicted of a Class C felony, Class D  
13 felony, or an unclassified felony, an additional period of imprisonment of at  
14 least six (6) months but no more than two (2) years; and

15 (3) If the person is convicted of a Class Y felony, Class A  
16 felony, or Class B felony, an additional period of imprisonment of at least  
17 two (2) years but no more than ten (10) years.

18 (d) The sentence enhancement under this section is not applicable if:

19 (1) The victim of the offense is a law enforcement officer or  
20 first responder; and

21 (2) An element of the underlying offense is that the victim is a  
22 law enforcement officer or first responder.

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24 SECTION 4. EMERGENCY CLAUSE. It is found and determined by the  
25 General Assembly of the State of Arkansas that current and former law  
26 enforcement officers, first responders, and their family members are  
27 oftentimes specifically targeted for a criminal offense based on who they are  
28 and the dangerous and necessary job that law enforcement officers and first  
29 responders do; that persons who commit offenses targeted at current and  
30 former law enforcement officers, first responders, or their family members  
31 should be sentenced more harshly than is currently provided for in the law;  
32 and that this act is immediately necessary because a message needs to be sent  
33 that the State of Arkansas does not condone the targeting of current and  
34 former law enforcement officers, first responders, or their family members  
35 for criminal activity. Therefore, an emergency is declared to exist, and this  
36 act being immediately necessary for the preservation of the public peace,

1 health, and safety shall become effective on:  
2 (1) The date of its approval by the Governor;  
3 (2) If the bill is neither approved nor vetoed by the Governor,  
4 the expiration of the period of time during which the Governor may veto the  
5 bill; or  
6 (3) If the bill is vetoed by the Governor and the veto is  
7 overridden, the date the last house overrides the veto.

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*/s/Tosh*

**APPROVED: 03/03/2017**