

Hall of the House of Representatives
83rd General Assembly - Regular Session, 2001
Amendment Form

Subtitle of House Bill No. 1766

"AN ACT TO AMEND THE ARKANSAS JUVENILE CODE OF 1989."

Amendment No. 2 to House Bill No. 1766.

Amend House Bill No. 1766 as engrossed, H3/2/01:

Page 2, delete lines 16 through 22 and substitute the following:

"(ii) Engaging in conduct creating a realistic and serious threat of death, permanent or temporary disfigurement, or impairment of any bodily organ;

(iii) Injury to a juvenile's intellectual, emotional, or psychological development as evidenced by observable and substantial impairment of the juvenile's ability to function within the juvenile's normal range of performance and behavior;"

AND

Page 2, delete lines 25 through 35 and substitute the following:

"(v) Any nonaccidental physical injury;
(vi) Any of the following intentional or knowing acts, with physical injury:

(a) Throwing, kicking, burning, biting, or cutting a child;

(b) Striking a child with a closed fist;

(c) Shaking a child; or

(d) Striking a child on the face.

(vi) Any of the following intentional or knowing acts, with or without physical injury:

(a) Striking a child age six or younger on the face;

(b) Shaking a child age three or younger; or

(c) Interfering with a child's breathing.

(B)(1) This list is illustrative of unreasonable action and is not intended to be inclusive.

(2) No unreasonable action shall be construed to permit a finding of abuse without having established the elements of abuse."

AND

Page 3, delete lines 1 and 2 and substitute the following:

"a child when it is reasonable and moderate and is inflicted by a parent or guardian for purposes of restraining or correcting the child. Abuse shall not include when a child suffers transient pain or minor temporary marks as the result of a reasonable restraint, if:

(a) The person exercising the restraint is an employee of an agency licensed or exempted from licensure under the Child Welfare Agency Licensing Act;

regarding restraints;

child except for a restraint;

themselves or others;

(e) The person exercising the restraint has been trained in properly restraining children, de-escalation, and conflict resolution techniques; and

(f) The restraint is for a reasonable period of time."

AND

Page 12, delete lines 34 through 36 and substitute the following:

"(45)(A) "Sexual contact" means any act of sexual gratification involving the touching, directly or through clothing, of the sex organs, buttocks, or anus of a person or the breast of a female; nothing in this section shall permit normal affectionate hugging to be construed as sexual contact."

The Amendment was read _____

By: Representative Dees

MF/RTK

RTK101

Chief Clerk