

INTERIM STUDY PROPOSAL 2023-029

1  
2 State of Arkansas  
3 94th General Assembly  
4 Regular Session, 2023

**A Bill**

HOUSE BILL 1536

5  
6 By: Representative Vaught

7 Filed with: House Committee on Judiciary  
8 pursuant to A.C.A. §10-3-217.

9 **For An Act To Be Entitled**

10 AN ACT TO AMEND THE LAW CONCERNING MURDER IN THE  
11 SECOND DEGREE; TO PERMIT AN INTOXICATED DRIVER OR  
12 OPERATOR OF AN AIRCRAFT WHO CAUSES THE DEATH OF A  
13 PERSON UNDER CIRCUMSTANCES MANIFESTING EXTREME  
14 INDIFFERENCE TO HUMAN LIFE TO BE CHARGED WITH MURDER  
15 IN THE SECOND DEGREE; TO CREATE VON’S LAW; AND FOR  
16 OTHER PURPOSES.

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19 **Subtitle**

20 TO AMEND THE LAW CONCERNING MURDER IN THE  
21 SECOND DEGREE; TO PERMIT AN INTOXICATED  
22 DRIVER OR OPERATOR OF AN AIRCRAFT WHO  
23 CAUSES THE DEATH OF A PERSON TO BE  
24 CHARGED WITH MURDER IN THE SECOND DEGREE;  
25 AND TO CREATE VON’S LAW.

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

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30 SECTION 1. DO NOT CODIFY. This act shall be known and may be  
31 cited as "Von’s Law".

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33 SECTION 2. Arkansas Code § 5-10-103 is amended to read as follows:  
34 5-10-103. Murder in the second degree.

35 (a) A person commits murder in the second degree if:

1           (1) The person knowingly causes the death of another person  
2 under circumstances manifesting extreme indifference to the value of human  
3 life; ~~or~~

4           (2) With the purpose of causing serious physical injury to  
5 another person, the person causes the death of any person; or

6           (3) Under circumstances manifesting extreme indifference to the  
7 value of human life, he or she recklessly causes the death of another person  
8 as a result of operating a motor vehicle, an aircraft, or a motorboat:

9                   (A) While intoxicated; or

10                   (B)(i) If at that time, there is an alcohol concentration  
11 of eight hundredths (0.08) or more in the person's breath or blood, based  
12 upon the definition of alcohol concentration in § 5-65-204, as determined by  
13 a chemical test of the person's blood, urine, breath, saliva, or other bodily  
14 substance.

15                           (ii) The method of the chemical test of the person's  
16 blood, urine, saliva, breath, or other bodily substance shall be made in  
17 accordance with §§ 5-65-204 and 5-65-206.

18           (b) As used in this section:

19                   (1) "Aircraft" means the same as defined in § 5-75-101;

20                   (2) "Intoxicated" means the same as defined in § 5-65-102;

21                   (3) "Motorboat" means the same as defined in § 5-65-102; and

22                   (4) "Motor vehicle" means the same as defined in § 5-65-102.

23           (c) Murder in the second degree is a Class A felony.

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26 Referred requested by the Arkansas House of Representatives

27 Prepared by: JLC/SJA