

1 State of Arkansas  
2 95th General Assembly  
3 Regular Session, 2025  
4

# A Bill

SENATE BILL 435

5 By: Senator Irvin  
6 By: Representative L. Johnson  
7

## For An Act To Be Entitled

9 AN ACT TO CREATE THE CRIMINAL OFFENSE OF AGGRAVATED  
10 ASSAULT UPON A HEALTHCARE WORKER; TO DEFINE  
11 "HEALTHCARE WORKER" REGARDING ASSAULT AND BATTERY;  
12 AND FOR OTHER PURPOSES.  
13  
14

## Subtitle

15 TO CREATE THE CRIMINAL OFFENSE OF  
16 AGGRAVATED ASSAULT UPON A HEALTHCARE  
17 WORKER; AND TO DEFINE "HEALTHCARE  
18 WORKER" REGARDING ASSAULT AND BATTERY.  
19  
20

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

23 SECTION 1. Arkansas Code § 5-13-101 is amended to read as follows:  
24 5-13-101. ~~Definition~~ Definitions.

25 As used in this chapter,:

26 (1) "First ~~"first~~ responder" means a law enforcement officer,  
27 firefighter, emergency medical provider, or emergency management official,  
28 who is acting within the scope or course of his or her employment; and

29 (2)(A) "Healthcare worker" means a person who is employed by,  
30 volunteers for, or contracts with a healthcare facility, organization, or  
31 healthcare service provider and is involved in the delivery, support, or  
32 administration of healthcare services, including without limitation:

33 (i) A physician;

34 (ii) A nurse;

35 (iii) A paramedic or other emergency responder;

36 (iv) A technician;



1                   (v) A pharmacist;  
 2                   (vi) A dentist;  
 3                   (vii) A healthcare aide or assistant;  
 4                   (viii) A therapist;  
 5                   (ix) A case manager or care coordinator working in a  
 6 healthcare setting; and  
 7                   (x) Administrative staff, janitorial staff, security  
 8 staff, and food services staff who directly support healthcare operations.

9                   (B) "Healthcare worker" is not limited by location and may  
 10 apply to a person working in any healthcare setting, including without  
 11 limitation a hospital, clinic, nursing home, rehabilitation center,  
 12 outpatient facility, home health agency, crime scenes, accident scenes, or  
 13 any other setting in which healthcare services are provided.

14  
 15           SECTION 2. Arkansas Code § 5-13-202(a)(4)(E), concerning the criminal  
 16 offense of battery in the second degree, is amended to read as follows:

17                   (E) While performing medical treatment or emergency  
 18 medical services or while in the course of other employment relating to his  
 19 or her medical training:

20                               (i) A physician;  
 21                               (ii) A person licensed as emergency medical services  
 22 personnel, as defined in § 20-13-202;  
 23                               (iii) A licensed or certified healthcare  
 24 professional; or  
 25                               (iv) Any other healthcare ~~provider~~ worker providing  
 26 services in support of medical treatment; or

27  
 28           SECTION 3. Arkansas Code Title 5, Chapter 13, Subchapter 2, is amended  
 29 to add an additional section to read as follows:

30           5-13-215. Aggravated assault upon a healthcare worker.

31           (a) A person commits the offense of aggravated assault upon a  
 32 healthcare worker if he or she, under circumstances manifesting extreme  
 33 indifference to the personal hygiene and safety of the healthcare worker,  
 34 purposely engages in conduct that creates a potential danger of infection to  
 35 the healthcare worker while the healthcare worker is engaged in the course of  
 36 his or her employment by causing a person whom the actor knows to be a

1 healthcare worker to come into contact with saliva, blood, urine, feces,  
2 seminal fluid, or other bodily fluid by purposely throwing, tossing,  
3 expelling, or otherwise transferring the fluid or material.

4 (b) Aggravated assault upon a healthcare worker is a Class D felony.

5 (c) This section does not amend, modify, or affect:

6 (1) The provisions of § 9-27-318(g) or § 9-27-318(h)(2), which  
7 require a finding to transfer a juvenile case to circuit court for  
8 prosecution as an adult to be supported by clear and convincing evidence; or

9 (2) The provisions of §§ 5-2-327 and 5-2-328 governing the  
10 determination of a defendant's fitness to proceed in a criminal case.

11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36