

1 State of Arkansas
2 89th General Assembly
3 Regular Session, 2013
4

A Bill

HOUSE BILL 1250

5 By: Representatives D. Whitaker, Baine, Ballinger, Broadway, Catlett, Hillman, Neal, Vines, Wardlaw
6

For An Act To Be Entitled

8 AN ACT AMENDING BATTERY IN THE SECOND DEGREE AND
9 ENHANCING PENALTIES WHEN INJURY TO ANOTHER PERSON
10 OCCURS AS A RESULT OF DRIVING WHILE INTOXICATED; AND
11 FOR OTHER PURPOSES.
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Subtitle

14 AMENDING BATTERY IN THE SECOND DEGREE AND
15 ENHANCING PENALTIES WHEN INJURY TO
16 ANOTHER PERSON OCCURS AS A RESULT OF
17 DRIVING WHILE INTOXICATED.
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21 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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23 SECTION 1. Arkansas Code § 5-13-202 is amended to read as follows:
24 5-13-202. Battery in the second degree.

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

26 (1) With the purpose of causing physical injury to another
27 person, the person causes serious physical injury to ~~any~~ another person;

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

31 (3) The person recklessly causes serious physical injury to
32 another person;

33 (A) by ~~By~~ means of a deadly weapon; or

34 (B) While operating or in actual physical control of a
35 motor vehicle if at that time the alcohol concentration in the person's
36 breath or blood was eight-hundredths (0.08) or more based upon the definition



1 of alcohol concentration in § 5-65-204; or

2 (4) The person knowingly, without legal justification, causes
3 physical injury to or incapacitates a person he or she knows to be:

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

8 (ii) As used in this subdivision (a)(4)(A):

9 (a)(1) "Code enforcement officer" means an
10 individual charged with the duty of enforcing a municipal code, municipal
11 ordinance, or municipal regulation as defined by a municipal code, municipal
12 ordinance, or municipal regulation.

13 (2) "Code enforcement officer" includes
14 a municipal animal control officer;

15 (b) "Employee of a correctional facility"
16 includes a person working under a professional services contract with the
17 Department of Correction, the Department of Community Correction, or the
18 Division of Youth Services of the Department of Human Services; ~~and~~

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

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

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

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

29 (i) A physician;

30 (ii) A person licensed as emergency medical services
31 personnel, as defined in § 20-13-202;

32 (iii) A licensed or certified health care
33 professional; or

34 (iv) Any other health care provider; or

35 (F) An individual who is incompetent, as defined in § 5-
36 25-101.

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

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3 SECTION 2. Arkansas Code § 5-65-111(c), concerning a penalty for the
4 offense of driving while intoxicated, is amended to read as follows:

5 ~~(e) For any arrest or offense occurring before July 30, 1999, but that~~
6 ~~has not reached a final disposition as to judgment in court, the offense~~
7 ~~shall be decided under the law in effect at the time the offense occurred,~~
8 ~~and any defendant is subject to the penalty provisions in effect at that time~~
9 ~~and not under the provisions of this section.~~

10 (c) If another person sustained physical injury as a result of a
11 person's violating § 5-65-103, the court shall order a minimum of thirty (30)
12 days imprisonment as part of the person's sentence for the violation of § 5-
13 65-103.