

1 State of Arkansas *As Engrossed: H2/12/13 H2/14/13 H2/20/13*

2 89th General Assembly

# A Bill

3 Regular Session, 2013

HOUSE BILL 1250

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

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## For An Act To Be Entitled

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*AN ACT AMENDING BATTERY IN THE SECOND DEGREE TO*

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*REFLECT WHEN INJURY TO ANOTHER PERSON OCCURS AS A*

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*RESULT OF DRIVING WHILE INTOXICATED; AND FOR OTHER*

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*PURPOSES.*

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## Subtitle

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*AMENDING BATTERY IN THE SECOND DEGREE TO*

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*REFLECT WHEN INJURY TO ANOTHER PERSON*

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*OCCURS AS A RESULT OF DRIVING WHILE*

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*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:

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5-13-202. Battery in the second degree.

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

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

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

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(3) The person recklessly causes serious physical injury to another person:

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

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(B) While operating or in actual physical control of a

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motor vehicle if at the time:

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(i) The person is intoxicated; or



1 (ii) The alcohol concentration in the person's  
2 breath or blood is eight-hundredths (0.08) or more based upon the definition  
3 of alcohol concentration in § 5-65-204; or

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

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

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

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

15 (2) "Code enforcement officer" includes  
16 a municipal animal control officer;

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

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

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

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

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

31 (i) A physician;

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

34 (iii) A licensed or certified health care  
35 professional; or

36 (iv) Any other health care provider; or

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

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

*/s/D. Whitaker*