

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

A Bill

HOUSE BILL 1637

5 By: Representatives A. Collins, Gazaway
6 By: Senator C. Tucker
7

For An Act To Be Entitled

9 AN ACT TO SPECIFY THE CULPABLE MENTAL STATE FOR
10 CERTAIN OFFENSES; AND FOR OTHER PURPOSES.
11

Subtitle

12
13 TO SPECIFY THE CULPABLE MENTAL STATE FOR
14 CERTAIN OFFENSES.
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18 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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20 SECTION 1. Arkansas Code § 5-1-104(a)(6), concerning territorial
21 applicability, is amended to read as follows:

22 (6) The offense is defined by a statute of this state that
23 expressly prohibits conduct outside the state and the conduct bears a
24 reasonable relation to a legitimate interest of this state and the person
25 knows or reasonably should know that his or her conduct is likely to affect
26 that legitimate interest of this state.
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28 SECTION 2. Arkansas Code § 5-13-213(a)(1), concerning aggravated
29 assault against a first responder, is amended to read as follows:

30 (1) The person knowingly causes physical contact with a first
31 responder by spitting, throwing, or otherwise transferring bodily fluids,
32 pathogens, or human waste onto the person of the first responder or by
33 throwing an object such as a brick, rock, bottle, projectile, firework,
34 chemical agent, or explosive device that ~~a reasonable~~ the person knows or
35 reasonably should know could cause physical injury if the object struck the
36 first responder; and



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2 SECTION 3. Arkansas Code § 5-18-103(a)(1)-(5), concerning trafficking
3 of persons, are amended to read as follows:

4 (1) Recruits, harbors, transports, obtains, entices, solicits,
5 isolates, provides, or maintains a person ~~knowing when he or she knows or~~
6 reasonably should know that the person will be subjected to involuntary
7 servitude;

8 (2) Benefits financially or benefits by receiving anything of
9 value from participation in a venture that he or she knows or reasonably
10 should know is engaged in conduct prohibited under subdivision (a)(1) of this
11 section;

12 (3) Subjects a person to involuntary servitude;

13 (4) Recruits, entices, solicits, isolates, harbors, transports,
14 provides, maintains, or obtains a minor for commercial sexual activity;

15 (5) Sells or offers to sell travel services that he or she knows
16 or reasonably should know include an activity prohibited under subdivisions
17 (a)(1)-(4) of this section;

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19 SECTION 4. Arkansas Code § 5-18-104(a), concerning patronizing a
20 victim of human trafficking, is amended to read as follows:

21 (a) A person commits the offense of patronizing a victim of human
22 trafficking if he or she knowingly engages in commercial sexual activity with
23 another person ~~knowing that the other person~~ who he or she knows or
24 reasonably should know is a victim of human trafficking.

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26 SECTION 5. Arkansas Code § 5-26-303(b)(2)(B)(i), concerning domestic
27 battering in the first degree, is amended to read as follows:

28 (i) Committed against a woman the person knew or
29 reasonably should have known was pregnant; or

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31 SECTION 6. Arkansas Code § 5-26-304(b)(2)(A), concerning domestic
32 battering in the second degree, is amended to read as follows:

33 (A) Committed against a woman the person knew or
34 reasonably should have known was pregnant; or

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36 SECTION 7. Arkansas Code § 5-26-305(b)(2)(A), concerning domestic

1 battering in the third degree, is amended to read as follows:

2 (A) Committed against a woman the person knew or
3 reasonably should have known was pregnant; or

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5 SECTION 8. Arkansas Code § 5-36-124(b), concerning theft by receiving
6 of scrap metal, is amended to read as follows:

7 (b) A person commits the offense of theft by receiving of scrap metal
8 if he or she receives, retains, purchases, or disposes of scrap metal of
9 another person and he or she knows or reasonably should have known that the
10 scrap metal was stolen.

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12 SECTION 9. Arkansas Code § 5-53-202(a), concerning threatening a
13 judicial officer or juror, is amended to read as follows:

14 (a) A person commits the offense of threatening a judicial official or
15 juror if the person directly or indirectly utters or otherwise makes a threat
16 toward another person whom the person knows or reasonably should know to be
17 a:

18 (1) Judicial official;
19 (2) Juror; or
20 (3) Member of the immediate family of a judicial official or
21 juror.

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23 SECTION 10. Arkansas Code § 5-65-123(d)(2), concerning offenses
24 involving a motor vehicle equipped with an ignition interlock device, is
25 amended to read as follows:

26 (2) Knows or reasonably should have known that the other person
27 was restricted from operating or being in actual physical control of a motor
28 vehicle not equipped with an ignition interlock device.

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30 SECTION 11. Arkansas Code § 5-73-108(a)(1)(B)(ii), concerning criminal
31 acts involving explosives, is amended to read as follows:

32 (ii) Knows or reasonably should know that another
33 person intends to use that explosive material or destructive device to commit
34 an offense.

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36 SECTION 12. Arkansas Code § 5-77-201(a)(2), concerning unlawful

1 possession, purchase, sale, or transfer of a blue light or blue lens cap, is
2 amended to read as follows:

3 (2) Transfer a blue light or blue lens cap to another person
4 whom the actor knows or reasonably should know has a purpose to unlawfully
5 use the blue light or blue lens cap.

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7 SECTION 13. Arkansas Code § 16-90-804(d)(2), concerning departures
8 from the voluntary presumptive sentence range, is amended to read as follows:

9 (2) The offender knew or reasonably should have known that the
10 victim was particularly vulnerable or incapable of resistance due to extreme
11 youth, advanced age, disability, or ill health;

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14 **APPROVED: 4/12/23**
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