

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

1 State of Arkansas  
2 84th General Assembly  
3 Regular Session, 2003  
4

*As Engrossed: H2/26/03 S3/18/03*

# A Bill

Act 944 of 2003  
HOUSE BILL 1540

5 By: Representatives Hutchinson, *Lamoureux*  
6 By: *Senator Womack*  
7

## For An Act To Be Entitled

10 AN ACT TO ENHANCE THE PENALTY FOR OFFENSES OF  
11 DOMESTIC VIOLENCE COMMITTED ON A PREGNANT WOMAN;  
12 AND FOR OTHER PURPOSES.  
13

### Subtitle

14 AN ACT TO ENHANCE THE PENALTY FOR  
15 OFFENSES OF DOMESTIC VIOLENCE COMMITTED  
16 ON A PREGNANT WOMAN.  
17  
18  
19

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

22 SECTION 1. Arkansas Code § 5-26-303(b), concerning penalties for  
23 domestic battering in the first degree, is amended to read as follows:

24 (b)(1) Domestic battering in the first degree is a Class B felony.

25 (2) However, domestic battering in the first degree is a Class A  
26 felony upon a conviction pursuant to subdivisions (a)(1)(A)-(C) or subsection  
27 (b) of this section if committed against a woman the person knew or should  
28 have known was pregnant or if within the past five (5) years the person has:

29 (A) Committed a prior offense of:

30 (i) Domestic battering in the first degree;

31 (ii) Domestic battering in the second degree, § 5-

32 26-304; or

33 (iii) Domestic battering in the third degree, § 5-

34 26-305; or

35 (B) Violated an equivalent penal law of this state or of  
36 another state or foreign jurisdiction.



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

(b)(1) Domestic battering in the second degree is a Class C felony.

(2) However, domestic battering in the second degree is a Class B felony if committed against a woman the person knew or should have known was pregnant or if within the past five (5) years the person has:

(A) Committed a prior offense of:

(i) Domestic battering in the first degree, § 5-26-303;

(ii) Domestic battering in the second degree; or

(iii) Domestic battering in the third degree, § 5-26-305; or

(B) Violated an equivalent penal law of this state or of another state or foreign jurisdiction.

SECTION 3. Arkansas Code § 5-26-305(b), concerning penalties for domestic battering in the third degree, is amended to read as follows:

(b)(1) Domestic battering in the third degree is a Class A misdemeanor.

(2) However, domestic battering in the third degree is a Class D felony if committed against a woman the person knew or should have known was pregnant or if within the past five (5) years the person has:

(A) Committed a prior offense of:

(i) Domestic battering in the first degree, § 5-26-303;

(ii) Domestic battering in the second degree, § 5-26-304; or

(iii) Domestic battering in the third degree; or

(B) Violated an equivalent penal law of this state or of another state or foreign jurisdiction.

SECTION 4. For purposes of §§ 5-26-303, 5-26-304 and 5-26-305, a woman is considered pregnant four (4) weeks after conception.

/s/ Hutchinson

APPROVED: 3/31/2003