

1 State of Arkansas
2 92nd General Assembly
3 Regular Session, 2019

A Bill

HOUSE BILL 1403

4
5 By: Representatives McCullough, C. Fite
6 By: Senator Bond

For An Act To Be Entitled

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8
9 AN ACT CONCERNING THE SENTENCE ENHANCEMENT AVAILABLE
10 AGAINST A PERSON WHO COMMITS CERTAIN OFFENSES IN THE
11 PRESENCE OF A CHILD; TO ADD CERTAIN OFFENSES ELIGIBLE
12 FOR THE SENTENCE ENHANCEMENT; AND FOR OTHER PURPOSES.
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Subtitle

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16 CONCERNING THE SENTENCE ENHANCEMENT
17 AVAILABLE AGAINST A PERSON WHO COMMITS
18 CERTAIN OFFENSES IN THE PRESENCE OF A
19 CHILD; AND TO ADD CERTAIN OFFENSES
20 ELIGIBLE FOR THE SENTENCE ENHANCEMENT.
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23 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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25 SECTION 1. Arkansas Code § 5-4-702(a), concerning the sentence
26 enhancement available against a defendant who commits certain offenses in the
27 presence of a child, is amended to read as follows:

28 (a) ~~Any A person who commits a felony offense involving homicide, §§~~
29 ~~5-10-101—5-10-103, assault or battery, § 5-13-201 et seq., or domestic~~
30 ~~battering or assault on a family member or household member, §§ 5-26-303—~~
31 ~~5-26-309, who commits any of the following offenses~~ may be subject to an
32 enhanced sentence of an additional term of imprisonment of not less than one
33 (1) year and not greater than ten (10) years if the offense is committed in
34 the presence of a child:

35 (1) Capital murder, § 5-10-101;

36 (2) Murder in the first degree, § 5-10-102;



- 1 (3) Murder in the second degree, § 5-10-103;
- 2 (4) Aggravated robbery, § 5-12-103;
- 3 (5) A felony offense of assault or battery under § 5-13-201 et
- 4 seq.;
- 5 (6) Rape, § 5-14-103;
- 6 (7) Sexual assault in the second degree, § 5-14-125; or
- 7 (8) A felony offense of domestic battering or assault on a
- 8 family or household member under § 5-26-303 – § 5-26-309.

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11 **APPROVED: 3/6/19**

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