

**Hall of the House of Representatives**  
84th General Assembly - Regular Session, 2003  
**Amendment Form**

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**Subtitle of House Bill No. 1477**

"AN ACT TO ENHANCE THE PENALTIES FOR AGGRAVATED ASSAULT ON A FAMILY  
OR HOUSEHOLD MEMBER."

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**Amendment No. 1 to House Bill No. 1477.**

Amend House Bill No. 1477 as originally introduced:

Delete everything after the enacting clause and substitute:

“SECTION 1. Arkansas Code § 5-26-306 is amended to read as follows:  
5-26-306. Aggravated assault on a family or household member.

(a) A person commits aggravated assault on a family or household member if, under circumstances manifesting extreme indifference to the value of human life, he purposely engages in conduct that creates a substantial danger of death or serious physical injury to a family or household member.

(b)(1) Aggravated assault on a family or household member is a Class D felony.

(2) Aggravated assault on a family or household member is a Class C felony if within the past five (5) years, the person:

(A) Plead guilty or nolo contendere to, or has been found guilty of:

- (i) Domestic battering in the first degree;
- (ii) Domestic battering in the second degree;
- (iii) Domestic battering in the third degree;
- (iv) Aggravated assault on a family or household

member; or

- (v) First degree assault on a family or household

member; or

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

SECTION 2. Arkansas Code § 5-26-307 is amended to read as follows:  
5-26-307. First degree assault on family or household member.

(a) A person commits first degree assault on a family or household member if he recklessly engages in conduct which creates a substantial risk of death or serious physical injury to a family or household member.

(b)(1) First degree assault on a family or household member is a Class A misdemeanor.

(2) First degree assault on a family or household member is a Class D felony if within the past five (5) years, the person:



(A) Plead guilty or nolo contendere to, or has been found guilty of:  
(i) Domestic battering in the first degree;  
(ii) Domestic battering in the second degree;  
(iii) Domestic battering in the third degree;  
(iv) Aggravated assault on a family or household member; or  
(v) First degree assault on a family or household member; or  
(B) Violated an equivalent penal law of another state or foreign jurisdiction.

SECTION 3. Arkansas Code § 5-26-308 is amended to read as follows:  
5-26-308. Second degree assault on family or household member.

(a) A person commits second degree assault on a family or household member if he recklessly engages in conduct which creates a substantial risk of physical injury to a family or household member.

(b)(1) Second degree assault on a family or household member is a Class B misdemeanor.

(2) Second degree assault on a family or household member is a Class A misdemeanor if within the past five (5) years, the person:

(A) Plead guilty or nolo contendere to, or has been found guilty of:  
(i) Domestic battering in the first degree;  
(ii) Domestic battering in the second degree;  
(iii) Domestic battering in the third degree;  
(iv) Aggravated assault on a family or household member;  
(v) First degree assault on a family or household member;  
(vi) Second degree assault on a family or household member; or  
(vii) Third degree assault on a family or household member; or  
(B) Violated an equivalent penal law of another state or foreign jurisdiction.

SECTION 4. Arkansas Code § 5-26-309 is amended to read as follows:  
5-26-309. Third degree assault on a family or household member.

(a) A person commits third degree assault on a family or household member if he purposely creates apprehension of imminent physical injury to a family or household member.

(b)(1) Third degree assault on a family or household member is a Class C misdemeanor.

(2) Third degree assault on a family or household member is a Class B misdemeanor if within the past five (5) years, the person:

(A) Plead guilty or nolo contendere to, or has been found guilty of:  
(i) Domestic battering in the first degree;  
(ii) Domestic battering in the second degree;  
(iii) Domestic battering in the third degree;  
(iv) Aggravated assault on a family or household member;

member;

(v) First degree assault on a family or household

member;

(vi) Second degree assault on a family or household

member; or

(vii) Third degree assault on a family or household

member; or

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

The Amendment was read  
By: Representative Martin  
PBB/APK - 030520031753  
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Chief Clerk