



## ARKANSAS SENTENCING COMMISSION

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### Impact Assessment for HB1790 Sponsored by Representative Gazaway

**Subtitle** TO AMEND THE LAW CONCERNING AGGRAVATED ASSAULT AND DOMESTIC BATTERY.

**Impact Summary**<sup>1</sup> Cannot be determined.

**Change from Current Law**<sup>2</sup> Amends provisions of Arkansas Code concerning domestic battery to include a prior conviction of §5-26-306, Aggravated assault on a family or household member as qualifying conduct for the purposes of increasing the penalty for convictions of Domestic battery in the first degree, § 5-26-303, and Domestic battery in the second degree, § 5-26-304.

Under current law, the penalty for Domestic battery in the first degree, § 5-26-303, is either a Class A, Class B, or a Class Y felony depending on the circumstance and offender's criminal history. Under the proposed bill, a prior conviction of §5-26-306, Aggravated assault on a family or household member, is included in the list of offenses by which a conviction of § 5-26-303 is a Class A felony. In addition, the proposed bill adds Aggravated assault on a family or household member to the list of offenses for which two prior convictions can escalate Domestic battery in the second or third degree to Domestic battery in the first degree.

Under current law, the penalty for Domestic battery in the second degree, § 5-26-304, is either a Class B or a Class C felony depending on the circumstance and offender's criminal history. Under the proposed bill, a prior conviction of §5-26-306, Aggravated assault on a family or household member, is included in the list of offenses by which a conviction of § 5-26-304 is a Class B felony.

**Impact Information** The proposed bill amends the qualifying conduct for increased penalties for occurrences of Domestic battery in the first degree or second degree. Available data is not sufficiently specific to discern the criminal history of offenders convicted for occurrences of Domestic battery under the law as currently written. For this reason, the projected impact of the proposed bill cannot be determined.

<sup>1</sup> This impact assessment was prepared 3/30/2023 12:13 PM by the staff of the Arkansas Sentencing Commission pursuant to A. C. A. § 16-90-802(d)(6) with data supplied by the Arkansas Department of Corrections and the Administrative Office of the Courts. A micro-simulation model may be used for bills which have the potential for significant impact on correctional resources. The following designations will be used: "minimal" = less than 10 offenders per year will be affected; "medium" = would require budgetary increases for ADC inmate costs; and "major" = would require budgetary increases for ADC inmate costs and construction costs for additional beds.

<sup>2</sup> Standard punishment ranges:

Class Y 10-40 years or life  
Class A 6-30 years; up to \$15,000  
Class B 5-20 years; up to \$15,000

Class C 3-10 years; up to \$10,000  
Class D 0-6 years; up to \$10,000  
Unclassified As specified in statute

Misdemeanors  
Class A Up to 1 year; up to \$2,500  
Class B Up to 90 days; up to \$1,000  
Class C Up to 30 days; up to \$500