

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

# A Bill

HOUSE BILL 1477

4  
5 By: Representative Martin  
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## For An Act To Be Entitled

9 AN ACT TO ENHANCE THE PENALTIES FOR AGGRAVATED  
10 ASSAULT ON A FAMILY OR HOUSEHOLD MEMBER; AND FOR  
11 OTHER PURPOSES.

## Subtitle

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13 AN ACT TO ENHANCE THE PENALTIES FOR  
14 AGGRAVATED ASSAULT ON A FAMILY OR  
15 HOUSEHOLD MEMBER.  
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19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

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21 SECTION 1. Arkansas Code § 5-26-306 is amended to read as follows:

22 5-26-306. Aggravated assault on a family or household member.

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

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

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

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

33 (i) Domestic battering in the first degree;

34 (ii) Domestic battering in the second degree;

35 (iii) Domestic battering in the third degree;

36 (iv) Aggravated assault on a family or household



1 member; or

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

3 member; or

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

6

7 SECTION 2. Arkansas Code § 5-26-307 is amended to read as follows:

8 5-26-307. First degree assault on family or household member.

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

12 (b)(1) First degree assault on a family or household member is a Class  
13 ~~A misdemeanor~~ D felony.

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

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

18 (i) Domestic battering in the first degree;

19 (ii) Domestic battering in the second degree;

20 (iii) Domestic battering in the third degree;

21 (iv) Aggravated assault on a family or household

22 member; or

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

24 member; or

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

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28 SECTION 3. Arkansas Code § 5-26-308 is amended to read as follows:

29 5-26-308. Second degree assault on family or household member.

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

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

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

- 1                   (A) Plead guilty or nolo contendere to, or has been found
- 2 guilty of:
- 3                   (i) Domestic battering in the first degree;
- 4                   (ii) Domestic battering in the second degree;
- 5                   (iii) Domestic battering in the third degree;
- 6                   (iv) Aggravated assault on a family or household
- 7 member;
- 8                   (v) First degree assault on a family or household
- 9 member;
- 10                  (vi) Second degree assault on a family or household
- 11 member; or
- 12                  (vii) Third degree assault on a family or household
- 13 member; or
- 14                  (B) Violated an equivalent penal law of another state or
- 15 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 A misdemeanor if within the past five (5) years, the person:

- 26                  (A) Plead guilty or nolo contendere to, or has been found
- 27 guilty of:
- 28                  (i) Domestic battering in the first degree;
- 29                  (ii) Domestic battering in the second degree;
- 30                  (iii) Domestic battering in the third degree;
- 31                  (iv) Aggravated assault on a family or household
- 32 member;
- 33                  (v) First degree assault on a family or household
- 34 member;
- 35                  (vi) Second degree assault on a family or household
- 36 member; or

1                                   (vii) Third degree assault on a family or household  
2 member; or  
3                                   (B) Violated an equivalent penal law of another state or  
4 foreign jurisdiction.

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