

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: H3/7/03 S3/25/03

A Bill

HOUSE BILL 1477

5 By: Representative Martin
6
7

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.
12

Subtitle

14 AN ACT TO ENHANCE THE PENALTIES FOR
15 AGGRAVATED ASSAULT ON A FAMILY OR
16 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 *felony.*

29 *(2) Aggravated assault on a family or household member is a*
30 *Class C felony if within the past five (5) years from the date of the current*
31 *offense, the person:*

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

34 *(i) Domestic battering in the first degree;*

35 *(ii) Domestic battering in the second degree;*

36 *(iii) Domestic battering in the third degree;*



1 (iv) Aggravated assault on a family or household
2 member; or

3 (v) First degree assault on a family or household
4 member; or

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

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

9 5-26-307. First degree assault on family or household member.

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

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

15 (2) First degree assault on a family or household member is a
16 Class D felony if within the past five (5) years from the date of the current
17 offense, the person:

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

20 (i) Domestic battering in the first degree;

21 (ii) Domestic battering in the second degree;

22 (iii) Domestic battering in the third degree;

23 (iv) Aggravated assault on a family or household
24 member; or

25 (v) First degree assault on a family or household
26 member; or

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

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

31 5-26-308. Second degree assault on family or household member.

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

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

1 (2) Second degree assault on a family or household member is a
2 Class A misdemeanor if within the past five (5) years from the date of the
3 current offense, the person:

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

6 (i) Domestic battering in the first degree;

7 (ii) Domestic battering in the second degree;

8 (iii) Domestic battering in the third degree;

9 (iv) Aggravated assault on a family or household
10 member;

11 (v) First degree assault on a family or household
12 member;

13 (vi) Second degree assault on a family or household
14 member; or

15 (vii) Third degree assault on a family or household
16 member; or

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

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20 SECTION 4. Arkansas Code § 5-26-309 is amended to read as follows:

21 5-26-309. Third degree assault on a family or household member.

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

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

27 (2) Third degree assault on a family or household member is a
28 Class B misdemeanor if within the past five (5) years from the date of the
29 current offense, the person:

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

32 (i) Domestic battering in the first degree;

33 (ii) Domestic battering in the second degree;

34 (iii) Domestic battering in the third degree;

35 (iv) Aggravated assault on a family or household
36 member;

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

3 (vi) Second degree assault on a family or household
4 member; or

5 (vii) Third degree assault on a family or household
6 member; or

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

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/s/ Martin