

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 S4/7/03*

# A Bill

HOUSE BILL 1477

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.  
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, 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.

14 (2) First degree assault on a family or household member is a  
15 Class D 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 misdemeanor.

35 (2) Second degree assault on a family or household member is a  
36 Class A misdemeanor 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.

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

18 5-26-309. Third degree assault on a family or household member.

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

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

24 (2) Third degree assault on a family or household member is a  
25 Class B misdemeanor if within the past five (5) year, 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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7 /s/ Martin  
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