

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 *As Engrossed: H3/7/03 S3/25/03 S4/7/03 S4/15/03*

2 84th General Assembly

# A Bill

3 Regular Session, 2003

HOUSE BILL 1477

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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.

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## 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, for conduct which occurred within the five (5) years*  
31 *preceding the commission of the current 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, for conduct which occurred within the five (5) years  
17 preceding the commission of the current 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, for conduct which occurred within the five (5) years  
3 preceding the commission of the 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, for conduct which occurred within the five (5) years  
29 preceding the commission of the 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;

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(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.

/s/ Martin