

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

A Bill

HOUSE BILL 1540

5 By: Representative Hutchinson
6
7

For An Act To Be Entitled

9 AN ACT TO ENHANCE THE PENALTY FOR OFFENSES OF
10 DOMESTIC VIOLENCE COMMITTED ON A PREGNANT WOMAN;
11 AND FOR OTHER PURPOSES.
12

Subtitle

13 AN ACT TO ENHANCE THE PENALTY FOR
14 OFFENSES OF DOMESTIC VIOLENCE COMMITTED
15 ON A PREGNANT WOMAN.
16
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18

19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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21 SECTION 1. Arkansas Code § 5-26-303(b), concerning penalties for
22 domestic battering in the first degree, is amended to read as follows:

23 (b)(1) Domestic battering in the first degree is a Class B felony.

24 (2) However, domestic battering in the first degree is a Class A
25 felony upon a conviction pursuant to subdivisions (a)(1)(A)-(C) or subsection
26 (b) of this section if committed against a pregnant woman or if within the
27 past five (5) years the person has:

28 (A) Committed a prior offense of:

29 (i) Domestic battering in the first degree;

30 (ii) Domestic battering in the second degree, § 5-
31 26-304; or

32 (iii) Domestic battering in the third degree, § 5-
33 26-305; or

34 (B) Violated an equivalent penal law of this state or of
35 another state or foreign jurisdiction.
36



1 SECTION 2. Arkansas Code § 5-26-304(b), concerning penalties for
2 domestic battering in the second degree, is amended to read as follows:

3 (b)(1) Domestic battering in the second degree is a Class C felony.

4 (2) However, domestic battering in the second degree is a Class
5 B felony if committed against a pregnant woman or if within the past five (5)
6 years the person has:

7 (A) Committed a prior offense of:

8 (i) Domestic battering in the first degree, § 5-26-
9 303;

10 (ii) Domestic battering in the second degree; or

11 (iii) Domestic battering in the third degree, § 5-
12 26-305; or

13 (B) Violated an equivalent penal law of this state or of
14 another state or foreign jurisdiction.

15
16 SECTION 3. Arkansas Code § 5-26-305(b), concerning penalties for
17 domestic battering in the third degree, is amended to read as follows:

18 (b)(1) Domestic battering in the third degree is a Class A
19 misdemeanor.

20 (2) However, domestic battering in the third degree is a Class D
21 felony if committed against a pregnant woman or if within the past five (5)
22 years the person has:

23 (A) Committed a prior offense of:

24 (i) Domestic battering in the first degree, § 5-26-
25 303;

26 (ii) Domestic battering in the second degree, § 5-
27 26-304; or

28 (iii) Domestic battering in the third degree; or

29 (B) Violated an equivalent penal law of this state or of
30 another state or foreign jurisdiction.

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32 SECTION 4. Arkansas Code § 5-26-306 is amended to read as follows:

33 5-26-306. Aggravated assault on a family or household member.

34 (a) A person commits aggravated assault on a family or household
35 member if, under circumstances manifesting extreme indifference to the value
36 of human life, he purposely engages in conduct that creates a substantial

1 danger of death or serious physical injury to a family or household member.

2 (b)(1) Aggravated assault on a family or household member is a Class D
3 felony.

4 (2) Aggravated assault committed against a family or household
5 member who is a pregnant woman is a Class C felony.

6
7 SECTION 5. 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 who is
15 a pregnant woman is a Class D felony.

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17 SECTION 6. Arkansas Code § 5-26-308 is amended to read as follows:

18 5-26-308. Second degree assault on family or household member.

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

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

24 (2) Second degree assault on a family or household member who is
25 a pregnant woman is a Class A misdemeanor.

26
27 SECTION 7. Arkansas Code § 5-26-309 is amended to read as follows:

28 5-26-309. Third degree assault on a family or household member.

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

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

34 (2) Third degree assault on a family or household member who is
35 a pregnant woman is a Class B misdemeanor.

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