

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 2473

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

8
9 AN ACT TO CLARIFY ENHANCEMENT PROVISIONS OF
10 DOMESTIC BATTERING IN THE FIRST, SECOND, AND
11 THIRD DEGREES; AND FOR OTHER PURPOSES.
12

Subtitle

13
14 AN ACT TO CLARIFY ENHANCEMENT PROVISIONS
15 OF DOMESTIC BATTERING IN THE FIRST,
16 SECOND, AND THIRD DEGREES.
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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 through 5-26-305 are amended to
22 read as follows:

23 5-26-303. Domestic battering in the first degree.

24 (a) A person commits domestic battering in the first degree if:

25 (1)(A) With the purpose of causing serious physical injury to a
26 family or household member, he or she causes serious physical injury to a
27 family or household member by means of a deadly weapon; or

28 (B) With the purpose of seriously and permanently
29 disfiguring a family or household member or of destroying, amputating, or
30 permanently disabling a member or organ of a family or household member's
31 body, he or she causes such an injury to a family or household member; or

32 (C) He or she causes serious physical injury to a family
33 or household member under circumstances manifesting extreme indifference to
34 the value of human life; or

35 (2) He or she commits any act of domestic battering as defined
36 in subdivisions (a)(1)(A)-(C) of this section or § 5-26-304 or § 5-26-305 and



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1 within the past ten (10) years from the date of the current offense he or she
2 has on two (2) previous occasions been convicted of any act of battery
3 against a family or household member as defined by the laws of this state or
4 by the equivalent laws of any other state or foreign jurisdiction.

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

6 (2) However, domestic battering in the first degree is a Class A
7 felony upon a conviction pursuant to subdivisions (a)(1)(A)-(C) or subsection
8 (b) of this section if within the past five (5) years from the date of the
9 current offense the person has:

10 (A) Committed a prior offense of:

11 (i) Domestic battering in the first degree;

12 (ii) Domestic battering in the second degree, § 5-
13 26-304; or

14 (iii) Domestic battering in the third degree, § 5-
15 26-305; or

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

18
19 5-26-304. Domestic battering in the second degree.

20 (a) A person commits domestic battering in the second degree if:

21 (1) With the purpose of causing physical injury to a family or
22 household member, he causes serious physical injury to a family or household
23 member; or

24 (2) With the purpose of causing physical injury to a family or
25 household member, he causes physical injury to a family or household member
26 by means of a deadly weapon; or

27 (3) He recklessly causes serious physical injury to a family or
28 household member by means of a deadly weapon.

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

30 (2) However, domestic battering in the second degree is a Class
31 B felony if within the past five (5) years from the date of the current
32 offense the person has:

33 (A) Committed a prior offense of:

34 (i) Domestic battering in the first degree, § 5-26-
35 303;

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

1 (iii) Domestic battering in the third degree, § 5-
2 26-305; or

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

5
6 5-26-305. Domestic battering in the third degree.

7 (a) A person commits domestic battering in the third degree if:

8 (1) With the purpose of causing physical injury to a family or
9 household member, a person causes physical injury to a family or household
10 member; or

11 (2) A person recklessly causes physical injury to a family or
12 household member; or

13 (3) A person negligently causes physical injury to a family or
14 household member by means of a deadly weapon; or

15 (4) A person purposely causes stupor, unconsciousness, or
16 physical or mental impairment or injury to a family or household member by
17 administering to a family or household member, without the family or
18 household member's consent, any drug or other substance.

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

21 (2) However, domestic battering in the third degree is a Class D
22 felony if within the past five (5) years from the date of the current offense
23 the person has:

24 (A) Committed a prior offense of:

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

27 (ii) Domestic battering in the second degree, § 5-
28 26-304; or

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

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

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