

1 State of Arkansas
2 92nd General Assembly
3 Regular Session, 2019
4

A Bill

HOUSE BILL 1379

5 By: Representatives C. Fite, McCullough
6 By: Senator Irvin
7

For An Act To Be Entitled

9 AN ACT TO RECONCILE DIFFERENCES BETWEEN THE OFFENSES
10 OF DOMESTIC BATTERING IN THE FIRST DEGREE AND BATTERY
11 IN THE FIRST DEGREE; TO INCREASE THE PENALTIES FOR
12 BATTERY OFFENSES UNDER CERTAIN CIRCUMSTANCES; AND FOR
13 OTHER PURPOSES.
14
15

Subtitle

16 TO RECONCILE DIFFERENCES BETWEEN THE
17 OFFENSES OF DOMESTIC BATTERING IN THE
18 FIRST DEGREE AND BATTERY IN THE FIRST
19 DEGREE; AND TO INCREASE THE PENALTIES FOR
20 BATTERY OFFENSES UNDER CERTAIN
21 CIRCUMSTANCES.
22
23
24

25 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
26

27 SECTION 1. Arkansas Code § 5-13-201(a)(7), concerning battery in the
28 first degree, is amended to read as follows:

29 (7) The person knowingly, without legal justification, causes
30 serious physical injury to a person he or she knows to be sixty (60) years of
31 age or older or twelve (12) years of age or younger;
32

33 SECTION 2. Arkansas Code § 5-13-201(c), concerning the sentences for
34 battery in the first degree, is amended to read as follows:

35 (c)(1) Except as provided in subdivisions (c)(2) and (3) of this
36 section, battery in the first degree is a Class B felony.



1 (2) Battery in the first degree is a Class Y felony under the
2 circumstances described in subdivision (a)(2) or subdivision (a)(9) of this
3 section.

4 (3) Battery in the first degree is a Class Y felony if the
5 injured person is a law enforcement officer acting in the line of duty.

6
7 SECTION 3. Arkansas Code § 5-26-303 is amended to read as follows:
8 5-26-303. Domestic battering in the first degree.

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

10 (1) With the purpose of causing serious physical injury to a
11 family or household member, the person causes serious physical injury to a
12 family or household member by means of a deadly weapon;

13 (2) With the purpose of seriously and permanently disfiguring a
14 family or household member or of destroying, amputating, or permanently
15 disabling a member or organ of a family or household member's body, the
16 person causes such an injury to a family or household member;

17 (3) The person causes serious physical injury to a family or
18 household member under circumstances manifesting extreme indifference to the
19 value of human life;

20 (4) The person knowingly causes serious physical injury to a
21 family or household member he or she knows to be sixty (60) years of age or
22 older or twelve (12) years of age or younger;

23 (5) The person:

24 (A) Commits any act of domestic battering as defined in §
25 5-26-304 or § 5-26-305; and

26 (B) For conduct that occurred within the ten (10) years
27 preceding the commission of the current offense, the person has on two (2)
28 previous occasions been convicted of any act of battery against a family or
29 household member as defined by the laws of this state or by the equivalent
30 laws of any other state or foreign jurisdiction; ~~or~~

31 (6) With the purpose of causing physical injury to a family or
32 household member, the person causes physical injury to a family or household
33 member by means of a firearm; or

34 (7) The person knowingly causes serious physical injury to a
35 family or household member who is four (4) years of age or younger under
36 circumstances manifesting extreme indifference to the value of human life.

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

(2) However, domestic battering in the first degree is a:

(A) Class Y felony under subdivision (a)(2) or subdivision (a)(7) of this section; or

(B) Class A felony ~~upon a conviction~~ under subsection (a) of this section if:

~~(A)(i)~~ Committed against a woman the person knew or should have known was pregnant; or

~~(B)(ii)~~ The person committed one (1) or more of the following offenses within five (5) years of the offense of domestic battering in the first degree:

~~(i)(a)~~ Domestic battering in the first degree;

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

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

~~(iv)(d)~~ A violation of an equivalent penal law of this state or of another state or foreign jurisdiction.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36