

1 **State of Arkansas**  
2 **80th General Assembly**  
3 **Regular Session, 1995**  
4 **By: Representative Pollan**

# **A Bill**

**ACT 1291 OF 1995**  
**HOUSE BILL 1512**

## **For An Act To Be Entitled**

8 *"AN ACT TO AMEND ARKANSAS CODE TITLE 5, CHAPTER 26,*  
9 *SUBCHAPTER 3 CONCERNING DOMESTIC BATTERING AND ASSAULT;*  
10 *AND FOR OTHER PURPOSES."*

## **Subtitle**

13 *"AN ACT CONCERNING DOMESTIC BATTERING*  
14 *AND ASSAULT."*

16 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

18 *SECTION 1. Arkansas Code 5-26-301 is amended to read as follows:*

19 *"5-26-301. Domestic battering in the first degree.*

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

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

24 *(2) With the purpose of seriously and permanently disfiguring a family*  
25 *or household member or of destroying, amputating, or permanently disabling a*  
26 *member or organ of a family or household member's body, he causes such an*  
27 *injury to a family or household member; or*

28 *(3) He causes serious physical injury to a family or household member*  
29 *under circumstances manifesting extreme indifference to the value of human*  
30 *life.*

31 *(b) Domestic battering in the first degree is a Class B felony."*

33 *SECTION 2. Arkansas Code 5-26-302 is amended to read as follows:*

34 *"5-26-302. Domestic battering in the second degree.*

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

36 *(1) With the purpose of causing physical injury to a family or*

1 household member, he causes serious physical injury to a family or household  
2 member; or

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

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

8       (b) Domestic battering in the second degree is a Class D felony."  
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10       SECTION 3. Arkansas Code 5-26-303 is amended to read as follows:

11       "5-26-303. Domestic battering in the third degree.

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

13       (1) With the purpose of causing physical injury to a family or  
14 household member, a person causes physical injury to a family or household  
15 member; or

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

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

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

24       (b) Domestic battering in the third degree is a Class A misdemeanor;  
25 however, if the person has previously been convicted or found guilty of  
26 domestic battering in the first, second, or third degree or wife battering in  
27 the first, second, or third degree, domestic battering in the third degree is  
28 a Class D felony."  
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30       SECTION 4. Arkansas Code 5-26-304 is amended to read as follows:

31       "5-26-304. Aggravated assault on a family or household member.

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

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

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4       SECTION 5. Arkansas Code 5-26-305 is amended to read as follows:

5       "5-26-305. First degree assault on family or household member.

6       (a) A person commits first degree assault on a family or household  
7 member if he recklessly engages in conduct which creates a substantial risk of  
8 death or serious physical injury to a family or household member.

9       (b) First degree assault on a family or household member is a Class A  
10 misdemeanor."

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12       SECTION 6. Arkansas Code 5-26-306 is amended to read as follows:

13       "5-26-306. Second degree assault on family or household member.

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

17       (b) Second degree assault on a family or household member is a Class B  
18 misdemeanor."

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20       SECTION 7. Arkansas Code 5-26-307 is amended to read as follows:

21       "5-26-307. 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) Third degree assault on a family or household member is a Class C  
26 misdemeanor."

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28       SECTION 8. Arkansas Code Title 5, Chapter 26, Subchapter 3 is amended  
29 to add the following sections:

30       "5-26-308. Definitions.

31       As used in this chapter, 'Family or household member' means spouses,  
32 former spouses, parents and children, persons related by blood within the  
33 fourth degree of consanguinity, and persons who are presently or in the past  
34 have resided or cohabited together. Degrees of consanguinity shall be  
35 computed pursuant to §28-9-212."

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"5-26-309. *Legislative intent.*

*To the extent that any protected class of persons defined under this subchapter is afforded protection by any other existing or future statute of this state, this subchapter shall not prevent prosecution under any such existing or future statute."*

SECTION 9. All provisions of this act of a general and permanent nature are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code Revision Commission shall incorporate the same in the Code.

SECTION 10. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are declared to be severable.

SECTION 11. All laws and parts of laws in conflict with this act are hereby repealed.

*/s/Rep. Pollan*

APPROVED: 4-14-95

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