

1 State of Arkansas  
2 89th General Assembly  
3 Regular Session, 2013

# A Bill

HOUSE BILL 1449

4  
5 By: Representative Fite

## For An Act To Be Entitled

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8 AN ACT CONCERNING THE SENTENCE ENHANCEMENT FOR  
9 DOMESTIC BATTERING IN THE FIRST, SECOND, OR THIRD  
10 DEGREE; AND FOR OTHER PURPOSES.

## Subtitle

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13 CONCERNING THE SENTENCE ENHANCEMENT FOR  
14 DOMESTIC BATTERING IN THE FIRST, SECOND,  
15 OR THIRD DEGREE.

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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 § 5-26-303(b), regarding the penalty for domestic  
22 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~~ under subsection (a) of this section if:

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

28 (B) ~~For conduct that occurred within the five (5) years~~  
29 ~~preceding the commission of the current offense, the person has been~~  
30 ~~convicted of a prior offense of:~~ The person committed one (1) or more of the  
31 following offenses within five (5) years of the offense of domestic battering  
32 in the first degree:

33 (i) Domestic battering in the first degree;

34 (ii) Domestic battering in the second degree, § 5-  
35 26-304;

36 (iii) Domestic battering in the third degree, § 5-



1 26-305; or

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

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

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

8 (2) However, domestic battering in the second degree is a Class  
 9 B felony if:

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

12 (B) ~~For conduct that occurred within the five (5) years~~  
 13 ~~preceding the commission of the current offense, the person has been~~  
 14 ~~convicted of a prior offense of:~~ The person committed one (1) or more of the  
 15 following offenses within five (5) years of the offense of domestic battering  
 16 in the second degree:

17 (i) Domestic battering in the first degree, § 5-26-  
 18 303;

19 (ii) Domestic battering in the second degree;

20 (iii) Domestic battering in the third degree, § 5-  
 21 26-305; or

22 (iv) ~~An~~ A violation of an equivalent penal law of  
 23 this state or of another state or foreign jurisdiction; or

24 (C) ~~For conduct that occurred within the ten (10) years~~  
 25 ~~preceding the commission of the current offense, the person has on two (2)~~  
 26 ~~previous occasions been convicted of any act of battery against a family or~~  
 27 ~~household member as defined by a law of this state or by an equivalent law of~~  
 28 ~~any other state or foreign jurisdiction~~ The person committed two (2) or more  
 29 offenses of battery against a family or household member as defined by a law  
 30 of this state or by an equivalent law of any other state or foreign  
 31 jurisdiction within ten (10) years of the offense of domestic battering in  
 32 the second degree.

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 34 SECTION 3. Arkansas Code § 5-26-305(b), regarding the penalty for  
 35 domestic battering in the third degree, is amended to read as follows:

36 (b)(1) Domestic battering in the third degree is a Class A

1 misdemeanor.

2 (2) However, domestic battering in the third degree is a Class D  
3 felony if:

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

6 (B) ~~For conduct that occurred within the five (5) years~~  
7 ~~preceding the commission of the current offense, the person has been~~  
8 ~~convicted of a prior offense of:~~ The person committed one (1) or more of the  
9 following offenses within five (5) years of the offense of domestic battering  
10 in the third degree:

11 (i) Domestic battering in the first degree, § 5-26-  
12 303;

13 (ii) Domestic battering in the second degree, § 5-  
14 26-304;

15 (iii) Domestic battering in the third degree;

16 (iv) Aggravated assault on a family or household  
17 member, § 5-26-306; or

18 (v) ~~An~~ A violation of an equivalent penal law of  
19 this state or of another state or foreign jurisdiction; or

20 (C) ~~For conduct that occurred within the ten (10) years~~  
21 ~~preceding the commission of the current offense, the person has on two (2)~~  
22 ~~previous occasions been convicted of any act of battery against a family or~~  
23 ~~household member as defined by a law of this state or by an equivalent law of~~  
24 ~~any other state or foreign jurisdiction~~ The person committed two (2) or more  
25 offenses of battery against a family or household member as defined by a law  
26 of this state or by an equivalent law of any other state or foreign  
27 jurisdiction within ten (10) years of the offense of domestic battering in  
28 the second degree.

31 APPROVED: 03/15/2013