

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 83rd General Assembly  
3 Regular Session, 2001  
4

As Engrossed: H3/7/01 S4/5/01

## A Bill

Act 1707 of 2001  
HOUSE BILL 1588

5 By: Representatives Dees, Lendall, Salmon  
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### For An Act To Be Entitled

9 AN ACT TO ENHANCE PENALTIES FOR OFFENSES  
10 COMMITTED IN THE PRESENCE OF A CHILD; AND FOR  
11 OTHER PURPOSES.  
12

### Subtitle

14 TO ENHANCE PENALTIES FOR OFFENSES  
15 COMMITTED IN THE PRESENCE OF A CHILD.  
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18 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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20 SECTION 1. (a) For purposes of this section:

21 (1) "Child" means a person under sixteen (16) years of age; and

22 (2) "In the presence of a child" means in the physical presence of a  
23 child or knowing or having reason to know that a child is present and may see  
24 or hear an act of assault, battery, domestic battery, or assault on a family  
25 member or household member.  
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27 SECTION 2. (a) Any person who commits a felony offense involving  
28 assault, battery, domestic battery, or assault on a family member or household  
29 member, as provided in Arkansas Code 5-13-201 through 5-13-211 or Arkansas  
30 Code 5-26-303 through 5-26-311, may be subject to an enhanced sentence of an  
31 additional term of imprisonment of not less than one (1) year and not more  
32 than ten (10) years if the offense is committed in the presence of a child.

33 (b)(1) To seek the enhanced penalties established in this section, a  
34 prosecuting attorney shall notify the defendant in writing that the defendant  
35 is subject to that enhanced penalty.

36 (2) If the defendant is charged by information or indictment, the

1 prosecuting attorney may include the written notice in the information or  
2 indictment.

3 (c) The enhanced portion of the sentence shall be consecutive to any  
4 other sentence imposed.

5 (d) Any person convicted under this section shall not be eligible for  
6 early release on parole for the enhanced portion of the sentence.

7 */s/ Dees*

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10 APPROVED: 4/17/2001

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