

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.

Act 194 of the Regular Session

1 State of Arkansas

As Engrossed: H1/23/09 S2/16/09

2 87th General Assembly

A Bill

3 Regular Session, 2009

HOUSE BILL 1039

4  
5 By: Representatives D. Creekmore, Cash, T. Baker, Hobbs, Lea, M. Martin, Pyle, Rice, Wagner, B.  
6 Wilkins

7 By: Senators Broadway, D. Johnson

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9  
10 **For An Act To Be Entitled**

11 AN ACT TO AMEND DOMESTIC BATTERING IN THE FIRST  
12 AND SECOND DEGREE; AND FOR OTHER PURPOSES.

13  
14 **Subtitle**

15 AN ACT TO AMEND DOMESTIC BATTERING IN  
16 THE FIRST AND SECOND DEGREE.

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18  
19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

20  
21 SECTION 1. Arkansas Code § 5-26-303(a), concerning the offense of  
22 domestic battering in the first degree, is amended to read as follows:

23  
24 (a) A person commits domestic battering in the first degree if:

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

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

32 (3) The person causes serious physical injury to a family or  
33 household member under circumstances manifesting extreme indifference to the  
34 value of human life; ~~or~~

35 (4) The person knowingly causes serious physical injury to a



1 family or household member he or she knows to be sixty (60) years of age or  
2 older or twelve (12) years of age or younger; or  
3 ~~(4)~~(5) He or she commits any act of domestic battering as  
4 *defined in subdivisions (a)(1)–~~(3)~~(4) of this section or § 5-26-304 or § 5-*  
5 *26-305 and, for conduct that occurred within the ten (10) years preceding the*  
6 *commission of the current offense, he or she has on two (2) previous*  
7 *occasions been convicted of any act of battery against a family or household*  
8 *member as defined by the laws of this state or by the equivalent laws of any*  
9 *other state or foreign jurisdiction.*

10  
11 SECTION 2. Arkansas Code § 5-26-304(a), concerning the offense of  
12 domestic battering in the second degree, is amended to read as follows:  
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14 (a) A person commits domestic battering in the second degree if:

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

18 (2) With the purpose of causing physical injury to a family or  
19 household member, the person causes physical injury to a family or household  
20 member by means of a deadly weapon; ~~or~~

21 (3) The person recklessly causes serious physical injury to a  
22 family or household member by means of a deadly weapon; or

23 (4) The person knowingly causes physical injury to a family or  
24 household member he or she knows to be sixty (60) years of age or older or  
25 twelve (12) years of age or younger.

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27  
28 /s/ D. Creekmore

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30 **APPROVED: 2/20/2009**