

1 State of Arkansas
2 93rd General Assembly
3 Regular Session, 2021
4

A Bill

HOUSE BILL 1669

5 By: Representatives Gazaway, McCullough
6

For An Act To Be Entitled

8 AN ACT CONCERNING THE OFFENSES OF DOMESTIC BATTERING
9 IN THE SECOND DEGREE AND DOMESTIC BATTERING IN THE
10 THIRD DEGREE; AND FOR OTHER PURPOSES.
11

Subtitle

12 CONCERNING THE OFFENSES OF DOMESTIC
13 BATTERING IN THE SECOND DEGREE AND
14 DOMESTIC BATTERING IN THE 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 § 5-26-304(b), concerning the penalties for
22 domestic battering in the second degree, is amended to read as follows:

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

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

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

28 (B) The person committed one (1) or more of the following
29 offenses within five (5) years of the offense of domestic battering in the
30 second degree:

31 (i) Domestic battering in the first degree, § 5-26-
32 303;

33 (ii) Domestic battering in the second degree;

34 (iii) Domestic battering in the third degree, § 5-
35 26-305; or

36 (iv) A violation of an equivalent penal law of this



1 state or of another state or foreign jurisdiction; ~~or~~

2 ~~(C) The person committed two (2) or more offenses of~~
 3 ~~battery against a family or household member as defined by a law of this~~
 4 ~~state or by an equivalent law of any other state or foreign jurisdiction~~
 5 ~~within ten (10) years of the offense of domestic battering in the second~~
 6 ~~degree.~~

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 8 SECTION 2. Arkansas Code § 5-26-305(b), concerning the penalties for
 9 domestic battering in the third degree, is amended to read as follows:

10 (b)(1) Domestic battering in the third degree is a Class A
 11 misdemeanor.

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

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

16 (B) The person committed one (1) or more of the following
 17 offenses within five (5) years of the offense of domestic battering in the
 18 third degree:

19 (i) Domestic battering in the first degree, § 5-26-
 20 303;

21 (ii) Domestic battering in the second degree, § 5-
 22 26-304;

23 (iii) Domestic battering in the third degree;

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

26 (v) A violation of an equivalent penal law of this
 27 state or of another state or foreign jurisdiction; ~~or~~

28 ~~(C) The person committed two (2) or more offenses of~~
 29 ~~battery against a family or household member as defined by a law of this~~
 30 ~~state or by an equivalent law of any other state or foreign jurisdiction~~
 31 ~~within ten (10) years of the offense of domestic battering in the third~~
 32 ~~degree.~~

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 35 **APPROVED: 4/30/21**