

Hall of the House of Representatives
87th General Assembly - Regular Session, 2009
Amendment Form

Subtitle of House Bill No. 1041

"AN ACT CONCERNING THE PENALTY CLASSIFICATION FOR THE OFFENSE OF
DOMESTIC BATTERING IN THE THIRD DEGREE."

Amendment No. 1 to House Bill No. 1041.

Amend House Bill No. 1041 as originally introduced:

Add Representatives T. Baker, Lea, Martin, Nix, Pyle, Wagner, and B. Wilkins as co-sponsors to the bill.

AND

Add Senator D. Johnson as lead sponsor to the bill. Senator Broadway should remain as co-sponsor to the bill.

AND delete Section 1 and substitute

“SECTION 1. Arkansas Code § 5-26-305(b), concerning the penalty classification for the offense of domestic battering in the third degree, is amended to read as follows:

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

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

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

(B) For conduct that occurred within the five (5) years preceding the commission of the current offense, the person has been convicted of a prior offense of:

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

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

(iii) Domestic battering in the third degree; ~~or~~

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

~~(iv)~~(v) An equivalent penal law of this state or of another state or foreign jurisdiction; or

(C) Committed in the presence of a child as defined by §



5-4-701; or

~~(C)~~(D) For conduct that occurred within the ten (10) years preceding the commission of the current offense, the person has on two (2) previous occasions been convicted of any act of battery against a family or household member as defined by a law of this state or by an equivalent law of any other state or foreign jurisdiction.”

The Amendment was read _____

By: Representative D. Creekmore

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Chief Clerk