

Stricken language would be deleted from and underlined language would be added to law as it existed prior to the 82nd General Assembly.

1 State of Arkansas  
2 82nd General Assembly  
3 Regular Session, 1999  
4

*As Engrossed: H3/19/99*

## A Bill

HOUSE BILL 2135

5 By: Representatives Broadway, *Ferrell*  
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### For An Act To Be Entitled

9 "AN ACT TO AMEND ARKANSAS CODE § 5-26-303 TO INCREASE  
10 THE PENALTIES FOR DOMESTIC BATTERING; AND FOR OTHER  
11 PURPOSES. "

### Subtitle

13 "AN ACT TO AMEND ARKANSAS CODE § 5-26-303  
14 TO INCREASE THE PENALTIES FOR DOMESTIC  
15 BATTERING. "  
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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 is amended to read as follows:

22 "5-26-303. Domestic battering in the first degree.

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

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

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

31 (3) He causes serious physical injury to a family or household  
32 member under circumstances manifesting extreme indifference to the value of  
33 human life.

34 (b) Domestic battering in the first degree is a Class B felony;  
35 however, upon a conviction pursuant to paragraphs (a)(1), (2) or (3), if the  
36 person has, within the past five (5) years, committed a prior offense of

1 domestic battering in the first, second or third degree or has violated an  
2 equivalent penal law of this state or of another state or foreign  
3 jurisdiction, domestic battering in the first degree is a Class A felony."  
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5 SECTION 2. Arkansas Code 5-26-304 is amended to read as follows:

6 "5-26-304. Domestic battering in the second degree.

7 (a) A person commits domestic battering in the second degree if:

8 (1) With the purpose of causing physical injury to a family or  
9 household member, he causes serious physical injury to a family or household  
10 member; or

11 (2) With the purpose of causing physical injury to a family or  
12 household member, he causes physical injury to a family or household member by  
13 means of a deadly weapon; or

14 (3) He recklessly causes serious physical injury to a family or  
15 household member by means of a deadly weapon.

16 (b) Domestic battering in the second degree is a Class D C felony;  
17 however, if the person has, within the past five (5) years, committed a prior  
18 offense of domestic battering in the first, second or third degree or has  
19 violated an equivalent penal law of this state or of another state or foreign  
20 jurisdiction, domestic battering in the second degree is a Class B felony."  
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22 SECTION 3. Arkansas Code 5-26-305 is amended to read as follows:

23 "5-26-305. Domestic battering in the third degree.

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

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

28 (2) A person recklessly causes physical injury to a family or  
29 household member; or

30 (3) A person negligently causes physical injury to a family or  
31 household member by means of a deadly weapon; or

32 (4) A person purposely causes stupor, unconsciousness, or  
33 physical or mental impairment or injury to a family or household member by  
34 administering to a family or household member, without the family or household  
35 member's consent, any drug or other substance.

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

1 *however, if the person has, within the past five (5) years, committed a prior*  
2 *offense previously been convicted or found guilty of domestic battering in the*  
3 *first, second, or third degree or has violated an equivalent penal law of this*  
4 *state or of another state or foreign jurisdiction, or wife battering in the*  
5 *first, second, or third degree, domestic battering in the third degree is a*  
6 *Class D felony."*

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8 SECTION 4. All provisions of this act of a general and permanent nature  
9 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code  
10 Revision Commission shall incorporate the same in the Code.

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12 SECTION 5. If any provision of this act or the application thereof to  
13 any person or circumstance is held invalid, such invalidity shall not affect  
14 other provisions or applications of the act which can be given effect without  
15 the invalid provision or application, and to this end the provisions of this  
16 act are declared to be severable.

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18 SECTION 6. All laws and parts of laws in conflict with this act are  
19 hereby repealed.

20 */s/ Broadway, et al*

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