

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: S3/19/99 S3/24/99 S3/30/99

# A Bill

SENATE BILL 766

5 By: Senator Bradford  
6 By: Representative Ferrell  
7

## For An Act To Be Entitled

10 "AN ACT TO AMEND THE ARKANSAS CRIMINAL CODE TO FURTHER  
11 PROVIDE PENALTIES FOR THOSE WHO COMMIT DOMESTIC  
12 BATTERY. "

### Subtitle

15 "AN ACT TO PROVIDE RELIEF FOR VICTIMS OF  
16 DOMESTIC ABUSE. "

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

20  
21 SECTION 1. Arkansas Code 5-26-302 is amended to read as follows:

22 "5-26-302. Definitions.

23 As used in this subchapter, 'family or household member' means:

- 24 (1) Spouses;
- 25 (2) Former spouses;
- 26 (3) Parents;
- 27 (4) Children, including any minor residing in the household;
- 28 (5)(A) Persons related by blood within the fourth degree of

29 consanguinity.

30 (B) Degrees of consanguinity shall be computed pursuant to  
31 § 28-9-212; and

32 (6) Persons who are presently residing or cohabitating or in the  
33 *past have resided or cohabited together.* "

34  
35 SECTION 2. Arkansas Code 5-26-303 is amended to read as follows:

36 "5-26-303. Domestic battering in the first degree.

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

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

5 (2) With the purpose of seriously and permanently disfiguring a  
6 family or household member or of destroying, amputating, or permanently  
7 disabling a member or organ of a family or household member's body, he causes  
8 such an injury to a family or household member; ~~or~~

9 (3) He causes serious physical injury to a family or household  
10 member under circumstances manifesting extreme indifference to the value of  
11 human life; or

12 (4) He commits any act of domestic battering, as defined in §§ 5-  
13 26-303, 5-26-304, or 5-26-305, and within the past ten years, he has on two  
14 previous occasions been convicted of any act of battery, as defined by the  
15 laws of this state or by the equivalent laws of any other state or foreign  
16 jurisdiction, against a family or household member.

17 (b) Domestic battering in the first degree is a Class B felony."  
18

19 SECTION 3. Title 5, Chapter 26, Subchapter 3 of the Arkansas Code is  
20 amended to add the following section to be appropriately numbered by the  
21 Arkansas Code Revision Commission:

22 "Residential confinement in home of victim prohibited.

23 In cases involving domestic or family violence, a court shall not order  
24 residential confinement as a condition of bond or probation, for a defendant  
25 in any household shared by the defendant and the alleged victim."  
26

27 SECTION 4. All provisions of this act of a general and permanent nature  
28 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code  
29 Revision Commission shall incorporate the same in the Code.  
30

31 SECTION 5. If any provision of this act or the application thereof to  
32 any person or circumstance is held invalid, such invalidity shall not affect  
33 other provisions or applications of the act which can be given effect without  
34 the invalid provision or application, and to this end the provisions of this  
35 act are declared to be severable.  
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