

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.

1 State of Arkansas  
2 83rd General Assembly  
3 Regular Session, 2001

# A Bill

HOUSE BILL 2355

4  
5 By: Representative Childers  
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## For An Act To Be Entitled

9 AN ACT TO AMEND ARKANSAS CODE 5-26-304 TO INCLUDE  
10 CAUSING PHYSICAL INJURY TO CERTAIN OLDER OR YOUNGER  
11 FAMILY MEMBERS TO THE OFFENSE OF DOMESTIC BATTERING;  
12 AND FOR OTHER PURPOSES.  
13

## Subtitle

14 AN ACT TO AMEND ARKANSAS CODE 5-26-304  
15 TO INCLUDE CAUSING PHYSICAL INJURY TO  
16 CERTAIN OLDER OR YOUNGER FAMILY MEMBERS  
17 TO THE OFFENSE OF DOMESTIC BATTERING.  
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21 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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23 SECTION 1. Arkansas Code 5-26-304 is amended to read as follows:  
24 5-26-304. Domestic battering in the second degree.

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

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

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

32 (3) He recklessly causes serious physical injury to a family or  
33 household member by means of a deadly weapon; ~~or~~

34 (4) The person intentionally or knowingly, without legal  
35 justification, causes physical injury to a family or household member the  
36 person knows to be sixty (60) years of age or older, or twelve (12) years of

1 age or younger.

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

3 (2) However, if the person has, within the past five (5) years,  
4 committed a prior offense of domestic battering in the first degree, § 5-26-  
5 303, domestic battering in the second degree, or domestic battering in the  
6 third degree, § 5-26-305, or has violated an equivalent penal law of this  
7 state or of another state or foreign jurisdiction, domestic battering in the  
8 second degree is a Class B felony.

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