

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 84th General Assembly
3 Regular Session, 2003
4

As Engrossed: H3/7/03

A Bill

HOUSE BILL 1477

5 By: Representative Martin
6
7

For An Act To Be Entitled

9 AN ACT TO ENHANCE THE PENALTIES FOR AGGRAVATED
10 ASSAULT ON A FAMILY OR HOUSEHOLD MEMBER; AND FOR
11 OTHER PURPOSES.
12

Subtitle

14 AN ACT TO ENHANCE THE PENALTIES FOR
15 AGGRAVATED ASSAULT ON A FAMILY OR
16 HOUSEHOLD MEMBER.
17
18

19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
20

21 *SECTION 1. Arkansas Code § 5-26-306 is amended to read as follows:*

22 *5-26-306. Aggravated assault on a family or household member.*

23 *(a) A person commits aggravated assault on a family or household*
24 *member if, under circumstances manifesting extreme indifference to the value*
25 *of human life, he purposely engages in conduct that creates a substantial*
26 *danger of death or serious physical injury to a family or household member.*

27 *(b)(1) Aggravated assault on a family or household member is a Class D*
28 *felony.*

29 *(2) Aggravated assault on a family or household member is a*
30 *Class C felony if within the past five (5) years, the person:*

31 *(A) Plead guilty or nolo contendere to, or has been found*
32 *guilty of:*

33 *(i) Domestic battering in the first degree;*

34 *(ii) Domestic battering in the second degree;*

35 *(iii) Domestic battering in the third degree;*

36 *(iv) Aggravated assault on a family or household*



1 member; or

2 (v) First degree assault on a family or household

3 member; or

4 (B) Violated an equivalent penal law of another state or
5 foreign jurisdiction.

6
7 SECTION 2. Arkansas Code § 5-26-307 is amended to read as follows:
8 5-26-307. First degree assault on family or household member.

9 (a) A person commits first degree assault on a family or household
10 member if he recklessly engages in conduct which creates a substantial risk
11 of death or serious physical injury to a family or household member.

12 (b)(1) First degree assault on a family or household member is a Class
13 A misdemeanor.

14 (2) First degree assault on a family or household member is a
15 Class D felony if within the past five (5) years, the person:

16 (A) Plead guilty or nolo contendere to, or has been found
17 guilty of:

18 (i) Domestic battering in the first degree;

19 (ii) Domestic battering in the second degree;

20 (iii) Domestic battering in the third degree;

21 (iv) Aggravated assault on a family or household

22 member; or

23 (v) First degree assault on a family or household

24 member; or

25 (B) Violated an equivalent penal law of another state or
26 foreign jurisdiction.

27
28 SECTION 3. Arkansas Code § 5-26-308 is amended to read as follows:
29 5-26-308. Second degree assault on family or household member.

30 (a) A person commits second degree assault on a family or household
31 member if he recklessly engages in conduct which creates a substantial risk
32 of physical injury to a family or household member.

33 (b)(1) Second degree assault on a family or household member is a
34 Class B misdemeanor.

35 (2) Second degree assault on a family or household member is a
36 Class A misdemeanor if within the past five (5) years, the person:

1 (A) Plead guilty or nolo contendere to, or has been found
2 guilty of:

3 (i) Domestic battering in the first degree;

4 (ii) Domestic battering in the second degree;

5 (iii) Domestic battering in the third degree;

6 (iv) Aggravated assault on a family or household

7 member;

8 (v) First degree assault on a family or household

9 member;

10 (vi) Second degree assault on a family or household

11 member; or

12 (vii) Third degree assault on a family or household

13 member; or

14 (B) Violated an equivalent penal law of another state or
15 foreign jurisdiction.

16
17 SECTION 4. Arkansas Code § 5-26-309 is amended to read as follows:

18 5-26-309. Third degree assault on a family or household member.

19 (a) A person commits third degree assault on a family or household
20 member if he purposely creates apprehension of imminent physical injury to a
21 family or household member.

22 (b)(1) Third degree assault on a family or household member is a Class
23 C misdemeanor.

24 (2) Third degree assault on a family or household member is a
25 Class B misdemeanor if within the past five (5) years, the person:

26 (A) Plead guilty or nolo contendere to, or has been found
27 guilty of:

28 (i) Domestic battering in the first degree;

29 (ii) Domestic battering in the second degree;

30 (iii) Domestic battering in the third degree;

31 (iv) Aggravated assault on a family or household

32 member;

33 (v) First degree assault on a family or household

34 member;

35 (vi) Second degree assault on a family or household

36 member; or

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21

(vii) Third degree assault on a family or household member; or
(B) Violated an equivalent penal law of another state or foreign jurisdiction.

/s/ Martin