

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: H3/24/03

A Bill

HOUSE BILL 2473

5 By: Representative Martin
6
7

For An Act To Be Entitled

9 AN ACT TO CLARIFY ENHANCEMENT PROVISIONS OF
10 DOMESTIC BATTERING IN THE FIRST, SECOND, AND
11 THIRD DEGREES; AND FOR OTHER PURPOSES.
12

Subtitle

13 AN ACT TO CLARIFY ENHANCEMENT PROVISIONS
14 OF DOMESTIC BATTERING IN THE FIRST,
15 SECOND, AND THIRD DEGREES.
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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 through 5-26-305 are amended to
22 read as follows:

23 5-26-303. Domestic battering in the first degree.

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

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

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

32 (C) He or she causes serious physical injury to a family
33 or household member under circumstances manifesting extreme indifference to
34 the value of human life; or

35 (2) He or she commits any act of domestic battering as defined
36 in subdivisions (a)(1)(A)-(C) of this section or § 5-26-304 or § 5-26-305 and



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1 ~~within the past ten (10) years~~ for conduct which occurred within the ten (10)
 2 years preceding the commission of the current offense, he or she has on two
 3 (2) previous occasions been convicted of any act of battery against a family
 4 or household member as defined by the laws of this state or by the equivalent
 5 laws of any other state or foreign jurisdiction.

6 (b)(1) Domestic battering in the first degree is a Class B felony.

7 (2) However, domestic battering in the first degree is a Class A
 8 felony upon a conviction pursuant to subdivisions (a)(1)(A)-(C) or subsection
 9 (b) of this section if, ~~within the past five (5) years~~ for conduct which
 10 occurred within the five (5) years preceding the commission of the current
 11 offense, the person has:

12 (A) Committed a prior offense of:

13 (i) Domestic battering in the first degree;

14 (ii) Domestic battering in the second degree, § 5-
 15 26-304; or

16 (iii) Domestic battering in the third degree, § 5-
 17 26-305; or

18 (B) Violated an equivalent penal law of this state or of
 19 another state or foreign jurisdiction.

20
 21 5-26-304. Domestic battering in the second degree.

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

23 (1) With the purpose of causing physical injury to a family or
 24 household member, he causes serious physical injury to a family or household
 25 member; or

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

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

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

32 (2) However, domestic battering in the second degree is a Class
 33 B felony if, ~~within the past five (5) years~~ for conduct which occurred within
 34 the five (5) years preceding the commission of the current offense, the
 35 person has:

36 (A) Committed a prior offense of:

1 (i) Domestic battering in the first degree, § 5-26-
2 303;

3 (ii) Domestic battering in the second degree; or

4 (iii) Domestic battering in the third degree, § 5-
5 26-305; or

6 (B) Violated an equivalent penal law of this state or of
7 another state or foreign jurisdiction.

8
9 5-26-305. Domestic battering in the third degree.

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

11 (1) With the purpose of causing physical injury to a family or
12 household member, a person causes physical injury to a family or household
13 member; or

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

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

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

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

24 (2) However, domestic battering in the third degree is a Class D
25 *felony if, ~~within the past five (5) years~~ for conduct which occurred within*
26 *the five (5) years preceding the commission of the current offense,* the
27 person has:

28 (A) Committed a prior offense of:

29 (i) Domestic battering in the first degree, § 5-26-
30 303;

31 (ii) Domestic battering in the second degree, § 5-
32 26-304; or

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

34 (B) Violated an equivalent penal law of this state or of
35 another state or foreign jurisdiction.

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/s/ Martin