

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 87th General Assembly
3 Regular Session, 2009
4

As Engrossed: H1/23/09 S2/16/09

A Bill

HOUSE BILL 1039

5 By: Representatives D. Creekmore, *Cash, T. Baker, Hobbs, Lea, M. Martin, Pyle, Rice, Wagner, B.*
6 *Wilkins*

7 By: Senators Broadway, *D. Johnson*
8
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For An Act To Be Entitled

11 AN ACT TO AMEND DOMESTIC BATTERING IN THE FIRST
12 AND SECOND DEGREE; AND FOR OTHER PURPOSES.

Subtitle

15 AN ACT TO AMEND DOMESTIC BATTERING IN
16 THE FIRST AND SECOND DEGREE.
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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(a), concerning the offense of
22 domestic battering in the first degree, is amended to read as follows:
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24 (a) A person commits domestic battering in the first degree if:

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

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

32 (3) The person causes serious physical injury to a family or
33 household member under circumstances manifesting extreme indifference to the
34 value of human life; ~~or~~

35 (4) The person knowingly causes serious physical injury to a
36 family or household member he or she knows to be sixty (60) years of age or



1 older or twelve (12) years of age or younger; or

2 ~~(4)~~(5) He or she commits any act of domestic battering as
3 *defined in subdivisions (a)(1)–(3)*~~(4)~~ of this section or § 5-26-304 or § 5-
4 26-305 and, for conduct that occurred within the ten (10) years preceding the
5 commission of the current offense, he or she has on two (2) previous
6 occasions been convicted of any act of battery against a family or household
7 member as defined by the laws of this state or by the equivalent laws of any
8 other state or foreign jurisdiction.

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10 SECTION 2. Arkansas Code § 5-26-304(a), concerning the offense of
11 domestic battering in the second degree, is amended to read as follows:
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13 (a) A person commits domestic battering in the second degree if:

14 (1) With the purpose of causing physical injury to a family or
15 household member, the person causes serious physical injury to a family or
16 household member;

17 (2) With the purpose of causing physical injury to a family or
18 household member, the person causes physical injury to a family or household
19 member by means of a deadly weapon; ~~or~~

20 (3) The person recklessly causes serious physical injury to a
21 family or household member by means of a deadly weapon; or

22 (4) The person knowingly causes physical injury to a family or
23 household member he or she knows to be sixty (60) years of age or older or
24 twelve (12) years of age or younger.

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27 /s/ D. Creekmore
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