

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: H1/28/09 S2/17/09

A Bill

HOUSE BILL 1041

5 By: Representatives D. Creekmore, T. Baker, Lea, M. Martin, Nix, Pyle, Wagner, B. Wilkins
6 By: Senators D. Johnson, Broadway, H. Wilkins
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For An Act To Be Entitled

9 AN ACT CONCERNING THE PENALTY CLASSIFICATION FOR
10 THE OFFENSE OF DOMESTIC BATTERING IN THE THIRD
11 DEGREE; AND FOR OTHER PURPOSES.
12
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Subtitle

14 AN ACT CONCERNING THE PENALTY
15 CLASSIFICATION FOR THE OFFENSE OF
16 DOMESTIC BATTERING IN THE THIRD DEGREE.
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20 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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22 *SECTION 1. Arkansas Code § 5-26-305(b), concerning the penalty*
23 *classification for the offense of domestic battering in the third degree, is*
24 *amended to read as follows:*

25 *(b)(1) Domestic battering in the third degree is a Class A*
26 *misdemeanor.*

27 *(2) However, domestic battering in the third degree is a Class D*
28 *felony if:*

29 *(A) Committed against a woman the person knew or should*
30 *have known was pregnant;*

31 *(B) For conduct that occurred within the five (5) years*
32 *preceding the commission of the current offense, the person has been*
33 *convicted of a prior offense of:*

34 *(i) Domestic battering in the first degree, § 5-26-*
35 *303;*

36 *(ii) Domestic battering in the second degree, § 5-*



1 26-304;

2 (iii) Domestic battering in the third degree; ~~or~~

3 (iv) Aggravated assault on a family or household
4 member, § 5-26-306; or

5 ~~(iv)(v)~~ An equivalent penal law of this state or of
6 another state or foreign jurisdiction; ~~or~~

7 (C) Committed in the presence of a child as defined by §
8 5-4-701; or

9 ~~(G)(D)~~ For conduct that occurred within the ten (10) years
10 preceding the commission of the current offense, the person has on two (2)
11 previous occasions been convicted of any act of battery against a family or
12 household member as defined by a law of this state or by an equivalent law of
13 any other state or foreign jurisdiction.

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15 /s/ D. Creekmore

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