

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 As Engrossed: H1/28/09 S2/17/09 S2/24/09

2 87th General Assembly

# A Bill

3 Regular Session, 2009

HOUSE BILL 1041

4

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

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

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### Subtitle

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AN ACT CONCERNING THE PENALTY  
16 CLASSIFICATION FOR THE OFFENSE OF  
17 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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*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:*

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

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

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

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*(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:*

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

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

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13 /s/ D. Creekmore

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