

State of Arkansas
89th General Assembly
Regular Session, 2013

A Bill

HOUSE BILL 1449

By: Representative Fite

For An Act To Be Entitled

AN ACT CONCERNING THE SENTENCE ENHANCEMENT FOR
DOMESTIC BATTERING IN THE FIRST, SECOND, OR THIRD
DEGREE; AND FOR OTHER PURPOSES.

Subtitle

CONCERNING THE SENTENCE ENHANCEMENT FOR
DOMESTIC BATTERING IN THE FIRST, SECOND,
OR THIRD DEGREE.

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

SECTION 1. Arkansas Code § 5-26-303(b), regarding the penalty for domestic battering in the first degree, is amended to read as follows:

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

(2) However, domestic battering in the first degree is a Class A felony upon a conviction ~~pursuant to~~ under subsection (a) of this section if:

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

(B) ~~For conduct that occurred within the five (5) years preceding the commission of the current offense, the person has been convicted of a prior offense of:~~ The person committed one (1) or more of the following offenses within five (5) years of the offense of domestic battering in the first degree:

(i) Domestic battering in the first degree;

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

(iii) Domestic battering in the third degree, § 5-



26-305; or

(iv) ~~An~~ A violation of an equivalent penal law of this state or of another state or foreign jurisdiction.

SECTION 2. Arkansas Code § 5-26-304(b), regarding the penalty for domestic battering in the second degree, is amended to read as follows:

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

(2) However, domestic battering in the second degree is a Class B felony if:

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

(B) ~~For conduct that occurred within the five (5) years preceding the commission of the current offense, the person has been convicted of a prior offense of:~~ The person committed one (1) or more of the following offenses within five (5) years of the offense of domestic battering in the second degree:

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

(ii) Domestic battering in the second degree;

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

(iv) ~~An~~ A violation of an equivalent penal law of this state or of another state or foreign jurisdiction; or

(C) ~~For conduct that occurred within the ten (10) years preceding the commission of the current offense, the person has on two (2) previous occasions been convicted of any act of battery against a family or household member as defined by a law of this state or by an equivalent law of any other state or foreign jurisdiction~~ The person committed two (2) or more offenses of battery against a family or household member as defined by a law of this state or by an equivalent law of any other state or foreign jurisdiction within ten (10) years of the offense of domestic battering in the second degree.

SECTION 3. Arkansas Code § 5-26-305(b), regarding the penalty for domestic battering in the third degree, is amended to read as follows:

(b)(1) Domestic battering in the third degree is a Class A

misdemeanor.

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

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

(B) ~~For conduct that occurred within the five (5) years preceding the commission of the current offense, the person has been convicted of a prior offense of:~~ The person committed one (1) or more of the following offenses within five (5) years of the offense of domestic battering in the third degree:

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

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

(iii) Domestic battering in the third degree;

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

(v) ~~An~~ A violation of an equivalent penal law of this state or of another state or foreign jurisdiction; or

(C) ~~For conduct that occurred within the ten (10) years preceding the commission of the current offense, the person has on two (2) previous occasions been convicted of any act of battery against a family or household member as defined by a law of this state or by an equivalent law of any other state or foreign jurisdiction~~ The person committed two (2) or more offenses of battery against a family or household member as defined by a law of this state or by an equivalent law of any other state or foreign jurisdiction within ten (10) years of the offense of domestic battering in the second degree.

APPROVED: 03/15/2013