

State of Arkansas  
91st General Assembly  
Regular Session, 2017

# A Bill

HOUSE BILL 1174

By: Representative Tucker  
By: Senator J. Hutchinson

## For An Act To Be Entitled

AN ACT TO AMEND THE OFFENSE OF DOMESTIC BATTERING IN THE FIRST DEGREE AND TO MAKE THE OFFENSE CONSISTENT WITH THE OFFENSE OF BATTERY IN THE FIRST DEGREE; AND FOR OTHER PURPOSES.

## Subtitle

TO AMEND THE OFFENSE OF DOMESTIC BATTERING IN THE FIRST DEGREE AND TO MAKE THE OFFENSE CONSISTENT WITH THE OFFENSE OF BATTERY IN THE FIRST DEGREE.

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

SECTION 1. Arkansas Code § 5-26-303 is amended to read as follows:  
5-26-303. Domestic battering in the first degree.

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

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

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

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



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

(5) The person:

(A) Commits any act of domestic battering as defined in § 5-26-304 or § 5-26-305; and

(B) 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 the laws of this state or by the equivalent laws of any other state or foreign jurisdiction; ~~or~~

(6) With the purpose of causing physical injury to a family or household member, the person causes physical injury to a family or household member by means of a firearm.

(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 under subsection (a) of this section if:

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

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

**APPROVED: 03/01/2017**