

State of Arkansas  
93rd General Assembly  
Regular Session, 2021

# A Bill

HOUSE BILL 1588

By: Representative Gazaway

## For An Act To Be Entitled

AN ACT TO AMEND THE OFFENSES OF BATTERY IN THE SECOND DEGREE AND DOMESTIC BATTERING IN THE SECOND DEGREE; AND FOR OTHER PURPOSES.

### Subtitle

TO AMEND THE OFFENSES OF BATTERY IN THE SECOND DEGREE AND DOMESTIC BATTERING IN THE SECOND DEGREE.

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

SECTION 1. Arkansas Code § 5-13-202(a)(3), concerning the manner in which a person commits the offense of battery in the second degree, is amended to read as follows:

(3) The person recklessly causes serious physical injury to another person:

(A) By means of a deadly weapon; ~~or~~

(B) While operating or in actual physical control of a motor vehicle or motorboat if at the time:

(i) The person is intoxicated; or

(ii) The alcohol concentration in the person's breath or blood is eight-hundredths (0.08) or more based upon the definition of alcohol concentration in § 5-65-204; or

(C) Who is four (4) years of age or younger; or

SECTION 2. Arkansas Code § 5-26-304(a)(3), concerning the manner in which a person commits the offense of domestic battering in the second



degree, is amended to read as follows:

(3) The person recklessly causes serious physical injury to a family or household member ~~by~~:

(A) By means of a deadly weapon; or

(B) Who is four (4) years of age or younger; or

**APPROVED: 4/1/21**