

State of Arkansas  
94th General Assembly  
Regular Session, 2023

# A Bill

HOUSE BILL 1790

By: Representative Gazaway

## For An Act To Be Entitled

AN ACT TO AMEND THE LAW CONCERNING AGGRAVATED ASSAULT  
AND DOMESTIC BATTERY; AND FOR OTHER PURPOSES.

### Subtitle

TO AMEND THE LAW CONCERNING AGGRAVATED  
ASSAULT AND DOMESTIC BATTERY.

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

SECTION 1. Arkansas Code § 5-26-303(a)(5)(B), concerning actions by a person that constitute domestic battering in the first degree, is amended to read as follows:

(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 or aggravated assault on 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;

SECTION 2. Arkansas Code § 5-26-303(b)(2)(B)(ii), concerning the circumstances in which domestic battering in the first degree is a Class A felony, is amended to read as follows:

(ii) 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:

- (a) Domestic battering in the first degree;
- (b) Domestic battering in the second degree, §



5-26-304;

(c) Domestic battering in the third degree, §

5-26-305; ~~or~~

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

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

SECTION 3. Arkansas Code § 5-26-304(b)(2)(B), concerning the circumstances in which domestic battering in the second degree as a Class B felony, is amended to read as follows:

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

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

**APPROVED: 4/13/23**