



ARKANSAS SENTENCING COMMISSION

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Impact Assessment for HB1765 Sponsored by Representative Underwood

Subtitle TO AMEND THE LAW CONCERNING DOMESTIC BATTERING IN THE THIRD DEGREE

Impact Summary¹ Cannot be determined. The proposed bill modifies an existing felony criminal offense for which the likely number of occurrences is unknown.

Change from Current Law² Amends Title 5 of Arkansas Code Annotated (A.C.A.) § 5-26-305, Domestic battering in the third degree, by amending an existing course of conduct. Under the proposed bill, A.C.A. § 5-26-305(b)(2)(B) is modified by adding language that allows a person to be charged with a Class D felony for committing one (1) or more acts that would constitute any of the listed offenses provided in the law within five (5) years of the offense of domestic battering in the third degree. Under current law, a person must have committed one (1) or more of the listed offenses within five (5) years of the offense of domestic battering in the third degree.

Impact Information The proposed bill amends an existing course of conduct, the likely number of occurrences of which cannot be determined. The following data is for informational purposes only.

The Administrative Office of the Courts (AOC) reports that for the three (3) year period beginning January 1, 2022 and ending December 31, 2024, there were forty-one (41) felony convictions for a violation of A.C.A. § 5-26-305, Domestic battering in the third degree.

The Division of Correction (ADC) reports that there are currently forty-nine (49) offenders serving a sentence for A.C.A. § 5-26-305, Domestic battering in the third degree, as the most serious offense.

The likely number of occurrences with the amendment to an existing unlawful course of conduct is unknown. For this reason, the potential impact on correctional resources cannot be determined.

¹ This impact assessment was prepared 4/1/2025 9:13 AM by the staff of the Arkansas Sentencing Commission pursuant to A. C. A. § 16-90-802(d)(6) with data supplied by the Department of Corrections and the Administrative Office of the Courts. A micro-simulation model may be used for bills which have the potential for significant impact on correctional resources. The following designations will be used:

“minimal” = less than 10 offenders per year will be affected; “medium” = would require budgetary increases for ADC costs; and “major” = would require budgetary increases for ADC costs and construction costs for additional beds.

² Standard punishment ranges:

Class Y 10-40 years or life
Class A 6-30 years; up to \$15,000
Class B 5-20 years; up to \$15,000

Class C 3-10 years; up to \$10,000
Class D 0-6 years; up to \$10,000
Unclassified As specified in statute

Misdemeanors
Class A Up to 1 year; up to \$2,500
Class B Up to 90 days; up to \$1,000
Class C Up to 30 days; up to \$500