

Stricken language would be deleted from and underlined language would be added to present law.

State of Arkansas  
92nd General Assembly  
Regular Session, 2019

# A Bill

HOUSE BILL 1403

By: Representatives McCullough, C. Fite

By: Senator Bond

## For An Act To Be Entitled

AN ACT CONCERNING THE SENTENCE ENHANCEMENT AVAILABLE AGAINST A PERSON WHO COMMITS CERTAIN OFFENSES IN THE PRESENCE OF A CHILD; TO ADD CERTAIN OFFENSES ELIGIBLE FOR THE SENTENCE ENHANCEMENT; AND FOR OTHER PURPOSES.

## Subtitle

CONCERNING THE SENTENCE ENHANCEMENT AVAILABLE AGAINST A PERSON WHO COMMITS CERTAIN OFFENSES IN THE PRESENCE OF A CHILD; AND TO ADD CERTAIN OFFENSES ELIGIBLE FOR THE SENTENCE ENHANCEMENT.

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

SECTION 1. Arkansas Code § 5-4-702(a), concerning the sentence enhancement available against a defendant who commits certain offenses in the presence of a child, is amended to read as follows:

(a) ~~Any A person who commits a felony offense involving homicide, §§ 5-10-101—5-10-103, assault or battery, § 5-13-201 et seq., or domestic battering or assault on a family member or household member, §§ 5-26-303—5-26-309,~~ who commits any of the following offenses may be subject to an enhanced sentence of an additional term of imprisonment of not less than one (1) year and not greater than ten (10) years if the offense is committed in the presence of a child:

- (1) Capital murder, § 5-10-101;
- (2) Murder in the first degree, § 5-10-102;



(3) Murder in the second degree, § 5-10-103;

(4) Aggravated robbery, § 5-12-103;

(5) A felony offense of assault or battery under § 5-13-201 et seq.;

(6) Rape, § 5-14-103;

(7) Sexual assault in the second degree, § 5-14-125; or

(8) A felony offense of domestic battering or assault on a family or household member under § 5-26-303 – § 5-26-309.