

State of Arkansas  
93rd General Assembly  
Regular Session, 2021

# A Bill

HOUSE BILL 1669

By: Representatives Gazaway, McCullough

## For An Act To Be Entitled

AN ACT CONCERNING THE OFFENSES OF DOMESTIC BATTERING  
IN THE SECOND DEGREE AND DOMESTIC BATTERING IN THE  
THIRD DEGREE; AND FOR OTHER PURPOSES.

## Subtitle

CONCERNING THE OFFENSES OF DOMESTIC  
BATTERING IN THE SECOND DEGREE AND  
DOMESTIC BATTERING IN THE THIRD DEGREE.

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

SECTION 1. Arkansas Code § 5-26-304(b), concerning the penalties for domestic battering in the second degree, is amended to read as follows:

(b)(1) Domestic battering in the second degree is a Class C felony.

(2) However, domestic battering in the second degree is a Class B felony 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 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) A violation of an equivalent penal law of this



state or of another state or foreign jurisdiction; ~~or~~

~~(C) The person committed two (2) or more offenses of battery against a family or household member as defined by a law of this state or by an equivalent law of any other state or foreign jurisdiction within ten (10) years of the offense of domestic battering in the second degree.~~

SECTION 2. Arkansas Code § 5-26-305(b), concerning the penalties for domestic battering in the third degree, is amended to read as follows:

(b)(1) Domestic battering in the third degree is a Class A misdemeanor.

(2) However, domestic battering in the third degree is a Class D felony 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 third degree:

(i) Domestic battering in the first degree, § 5-26-303;

(ii) Domestic battering in the second degree, § 5-26-304;

(iii) Domestic battering in the third degree;

(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; ~~or~~

~~(C) The person committed two (2) or more offenses of battery against a family or household member as defined by a law of this state or by an equivalent law of any other state or foreign jurisdiction within ten (10) years of the offense of domestic battering in the third degree.~~