

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

State of Arkansas

95th General Assembly
Regular Session, 2025

A Bill

HOUSE BILL 1765

By: Representative Underwood

By: Senator J. Bryant

For An Act To Be Entitled

AN ACT TO AMEND THE LAW CONCERNING DOMESTIC BATTERING
IN THE THIRD DEGREE; TO AMEND THE OFFENSE
CLASSIFICATION ENHANCEMENT BASED ON PRIOR ACTS; AND
FOR OTHER PURPOSES.

Subtitle

TO AMEND THE LAW CONCERNING DOMESTIC
BATTERING IN THE THIRD DEGREE; AND TO
AMEND THE OFFENSE CLASSIFICATION
ENHANCEMENT BASED ON PRIOR ACTS.

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

SECTION 1. Arkansas Code § 5-26-305(b), concerning the classification of 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 reasonably should have known was pregnant; or

(B) ~~The person committed one (1) or more of the following offenses~~ acts that would constitute any 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.

(C) If the person has not been convicted of a prior act listed under subdivision (b)(2)(B) of this section, the state may establish a classification enhancement by proving the commission of a prior act listed in subdivision (b)(2)(B) of this section beyond a reasonable doubt during its case in chief.