

1 State of Arkansas
2 94th General Assembly
3 Regular Session, 2023
4

A Bill

HOUSE BILL 1790

5 By: Representative Gazaway
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For An Act To Be Entitled

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

11 TO AMEND THE LAW CONCERNING AGGRAVATED
12 ASSAULT AND DOMESTIC BATTERY.
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17 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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19 SECTION 1. Arkansas Code § 5-26-303(a)(5)(B), concerning actions by a
20 person that constitute domestic battering in the first degree, is amended to
21 read as follows:

22 (B) For conduct that occurred within the ten (10) years
23 preceding the commission of the current offense, the person has on two (2)
24 previous occasions been convicted of any act of battery against a family or
25 household member or aggravated assault on a family or household member, as
26 defined by the laws of this state or by the equivalent laws of any other
27 state or foreign jurisdiction;
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29 SECTION 2. Arkansas Code § 5-26-303(b)(2)(B)(ii), concerning the
30 circumstances in which domestic battering in the first degree is a Class A
31 felony, is amended to read as follows:

32 (ii) The person committed one (1) or more of the
33 following offenses within five (5) years of the offense of domestic battering
34 in the first degree:

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



1 5-26-304;

2 (c) Domestic battering in the third degree, §

3 5-26-305; ~~or~~

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

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

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

12 (B) The person committed one (1) or more of the following
13 offenses within five (5) years of the offense of domestic battering in the
14 second degree:

15 (i) Domestic battering in the first degree, § 5-26-
16 303;

17 (ii) Domestic battering in the second degree;

18 (iii) Domestic battering in the third degree, § 5-
19 26-305; ~~or~~

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

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

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26 **APPROVED: 4/13/23**