

1 State of Arkansas
2
3 95th General Assembly
4 Regular Session, 2025

A Bill

HOUSE BILL 1765

5
6 By: Representative Underwood
7 By: Senator J. Bryant

For An Act To Be Entitled

8
9
10 AN ACT TO AMEND THE LAW CONCERNING DOMESTIC BATTERING
11 IN THE THIRD DEGREE; TO AMEND THE OFFENSE
12 CLASSIFICATION ENHANCEMENT BASED ON PRIOR ACTS; AND
13 FOR OTHER PURPOSES.

Subtitle

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

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

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24 SECTION 1. Arkansas Code § 5-26-305(b), concerning the classification
25 of domestic battering in the third degree, is amended to read as follows:

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

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

30 (A) Committed against a woman the person knew or
31 reasonably should have known was pregnant; or

32 (B) The person committed one (1) or more ~~of the following~~
33 ~~offenses~~ acts that would constitute any of the following offenses within five
34 (5) years of the offense of domestic battering in the third degree:

35 (i) Domestic battering in the first degree, § 5-26-
36 303;



1 (ii) Domestic battering in the second degree, § 5-26-
2 304;

3 (iii) Domestic battering in the third degree;

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

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

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

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