

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

A Bill

SENATE BILL 429

5 By: Senator J. Bryant
6 By: Representative Joey Carr
7

For An Act To Be Entitled

8
9 AN ACT AMENDING CERTAIN LAWS FOR THE PROTECTION OF
10 HUMAN TRAFFICKING VICTIMS; TO PROVIDE THAT HUMAN
11 TRAFFICKING VICTIMS HAVE CERTAIN RIGHTS; TO AMEND THE
12 COMPREHENSIVE CRIMINAL RECORD SEALING ACT OF 2013 TO
13 EXPAND THE SEALING OF CRIMINAL RECORDS OF VICTIMS OF
14 HUMAN TRAFFICKING; TO PROVIDE THAT A NO-CONTACT ORDER
15 IS MANDATORY FOR HUMAN TRAFFICKING OFFENSE; AND FOR
16 OTHER PURPOSES.
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Subtitle

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20 TO EXPAND THE SEALING OF CRIMINAL
21 RECORDS FOR VICTIMS OF HUMAN
22 TRAFFICKING; TO PROVIDE THAT VICTIMS OF
23 HUMAN TRAFFICKING HAVE CERTAIN RIGHTS;
24 AND TO PROVIDE A MANDATORY NO-CONTACT
25 ORDER IN A HUMAN TRAFFICKING CASE.
26

27 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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29 SECTION 1. Arkansas Code § 16-85-714(b)(1), concerning when a no
30 contact order is issued in a criminal case, is amended to read as follows:

31 (b)(1)~~(A)~~ A court may issue a no contact order under this section in
32 addition to any other condition of release from custody that is imposed by
33 the court if:

34 ~~(A)(i)~~ The defendant is charged with one (1) or more
35 of the following offenses:

36 ~~(i)(a)~~ Terroristic threatening, § 5-13-301; or



1 victim;

2 (D) Any sex offense when the victim is a minor;

3 (E) Any human trafficking offense when the victim is a
4 minor;

5 ~~(E)~~(F) An attempt, solicitation, or conspiracy to commit
6 any of the offenses enumerated in this subdivision ~~(3)~~(4);

7 ~~(F)~~(G) An adjudication of guilt for an offense of the law
8 of another state, for a federal offense, or for a military offense, which is
9 substantially equivalent to any of the offenses enumerated in this
10 subdivision ~~(3)~~(4); or

11 ~~(G)~~(H) A violation of any former law of this state that is
12 substantially equivalent to any of the offenses enumerated in this
13 subdivision ~~(3)~~(4);

14 ~~(4)~~(5) "Person" means an individual, corporation, estate, trust,
15 partnership, association, joint venture, governmental entity, agency, or
16 instrumentality, or any other legal entity;

17 ~~(5)~~(6) "Representative of the victim" means a member of the
18 victim's family or an individual designated by the victim or by a court in
19 which the crime is being or could be prosecuted;

20 ~~(6)~~(7) "Sex offense" means:

21 (A) Rape, § 5-14-103;

22 (B) Sexual indecency with a child, § 5-14-110, if the
23 offense is a felony;

24 (C) Sexual assault in the first degree, § 5-14-124;

25 (D) Sexual assault in the second degree, § 5-14-125;

26 (E) Sexual assault in the third degree, § 5-14-126;

27 (F) Sexual assault in the fourth degree, § 5-14-127;

28 (G) Incest, § 5-26-202;

29 (H) Engaging children in sexually explicit conduct for use
30 in visual or print medium, § 5-27-303;

31 (I) Transportation of minors for prohibited sexual
32 conduct, § 5-27-305;

33 (J) Employing or consenting to use of a child in sexual
34 performance, § 5-27-402;

35 (K) Producing, directing, or promoting a sexual
36 performance by a child, § 5-27-403;

1 (L) Possession or use of child sexual abuse material, § 5-
2 27-603;

3 (M) Computer exploitation of a child in the first degree,
4 § 5-27-605(a);

5 (N) Promoting prostitution in the first degree, § 5-70-
6 104;

7 (O) Stalking, § 5-71-229;

8 (P) An attempt, solicitation, or conspiracy to commit any
9 of the offenses enumerated in this subdivision ~~(6)(7)~~;

10 (Q) An adjudication of guilt for an offense of the law of
11 another state, for a federal offense, or for a military offense, which is
12 substantially equivalent to any of the offenses enumerated in this
13 subdivision ~~(6)(7)~~;

14 (R) A violation of any former law of this state that is
15 substantially equivalent to any of the offenses enumerated in this
16 subdivision ~~(6)(7)~~; or

17 (S) Sexual extortion, § 5-14-113;

18 ~~(7)(8)~~ "State" means a state of the United States, the District
19 of Columbia, the Commonwealth of Puerto Rico, or any territory or insular
20 possession subject to the jurisdiction of the United States;

21 ~~(8)(9)(A)~~ "Victim" means a victim of a:

22 (i) A sex offense;

23 (ii) ~~or an~~ An offense against a victim who is a
24 minor;

25 (iii) ~~and a victim of any~~ A violent crime, ~~but;~~ or

26 (iv) A human trafficking offense.

27 (B) "Victim" does not include a:

28 (i) ~~person~~ Person who is accountable for the crime or
29 a crime arising from the same conduct, criminal episode, or plan; or ~~and does~~
30 ~~not include a governmental~~

31 (ii) Governmental entity; and

32 ~~(9)(10)~~ "Violent crime" means any felony or Class A misdemeanor
33 which resulted in physical injury to the victim, any felony or Class A
34 misdemeanor involving the use of a deadly weapon, terroristic threatening in
35 the first degree, § 5-13-301(a), and stalking, as defined in § 5-71-229.

36

1 SECTION 3. Arkansas Code § 16-90-1412 is amended to read as follows:
 2 16-90-1412. Sealing certain convictions for victims of human
 3 trafficking – Definition.

4 (a) As used in this section,:

5 (1) "Minor" means a person younger than eighteen (18) years of
 6 age; and

7 (2) "victim Victim of human trafficking" means a person who has
 8 been subjected to trafficking of persons, § 5-18-103, or any former law of
 9 this state, law of another state, or federal law that is substantially
 10 similar.

11 (b)(1) A person ~~convicted of prostitution, § 5-70-102,~~ may file a
 12 uniform petition to seal ~~the~~ a conviction under this section if ~~it~~:

13 (A) The conviction was obtained as a result of the
 14 person's having been a victim of human trafficking at the time of the
 15 offense; and

16 (B) The person was:

17 (i) A minor when the offense was committed; or

18 (ii) Eighteen (18) years of age or older when the
 19 offense was committed and the conviction was for the offense of prostitution,
 20 § 5-70-102.

21 (2) A uniform petition under this section may be filed at any
 22 time and may be filed for a conviction imposed at any time.

23 (c) The court shall grant the uniform petition under this section if
 24 it finds by a preponderance of the evidence that:

25 (1) The petitioner was: ~~convicted~~

26 (A) Convicted of prostitution, § 5-70-102, and the offense
 27 was committed when the petitioner was eighteen (18) years of age or older;
 28 and or

29 (B) A minor when the offense was committed; and

30 (2)(A) The conviction was obtained as a result of the
 31 petitioner's having been a victim of human trafficking at the time of the
 32 offense.

33 (B) A finding concerning the affirmative defense under §
 34 5-2-210 does not affect a finding under subdivision (c)(2)(A) of this
 35 section, and the petitioner is not required to have raised the affirmative
 36 defense under § 5-2-210.

1 (d) If the uniform petition under this section is granted, the court
2 shall:

3 (1) Issue a uniform order to seal the conviction; and

4 (2) With respect to the conviction ~~for prostitution, § 5-70-102,~~
5 redact the petitioner's name from all records and files related to the
6 petitioner's:

7 (A) Arrest;

8 (B) Citation;

9 (C) Criminal investigation;

10 (D) Criminal charge;

11 (E) Adjudication of guilt;

12 (F) Criminal proceedings; and

13 (G) Probation for the offense.

14 (e)(1) Official documentation by a federal, state, or local government
15 agency verifying that at the time of the ~~conviction for prostitution, § 5-70-~~
16 ~~102 offense,~~ the petitioner was a victim of human trafficking creates a
17 presumption under this section that the person's ~~prostitution~~ conviction was
18 obtained as a result of having been a victim of human trafficking at the time
19 of the offense.

20 (2) Documentation under this subsection is not required to grant
21 a petition under this section.

22 (3) Documentation under this subsection may include without
23 limitation:

24 (A) Certified records of federal or state court
25 proceedings that demonstrate that the defendant was a victim of a trafficker
26 charged with a trafficking offense under state law or the Victims of
27 Trafficking and Violence Protection Act of 2000, 22 U.S.C. § 7101 et seq., as
28 it existed on January 1, 2013; or

29 (B) Certified records of "approval notices" or "law
30 enforcement certifications" generated from federal immigration proceedings
31 available to victims of human trafficking.

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34 **APPROVED: 4/16/25**