

**Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.**

1 State of Arkansas  
2 83rd General Assembly  
3 Regular Session, 2001  
4

*As Engrossed: S2/1/01*

# A Bill

**Act 299 of 2001**  
**HOUSE BILL 1110**

5 By: Representatives Parks, House, Scroggin, Schall, Stovall, Duggar, Holt, G. Jeffress  
6 By: Senator Baker  
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## **For An Act To Be Entitled**

10 AN ACT TO AMEND ARKANSAS CODE 5-14-103 TO PROVIDE NO  
11 CONTACT ORDERS FOR VICTIMS OF RAPE; AND FOR OTHER  
12 PURPOSES.  
13

### **Subtitle**

14 AN ACT TO AMEND ARKANSAS CODE 5-14-103  
15 TO PROVIDE NO CONTACT ORDERS FOR VICTIMS  
16 OF RAPE.  
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20 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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22 SECTION 1. Arkansas Code 5-14-103 is amended to read as follows:  
23 5-14-103. Rape.

24 (a) A person commits rape if he engages in sexual intercourse or  
25 deviate sexual activity with another person:

26 (1) By forcible compulsion; or

27 (2) Not his spouse, who is a patient or resident of a hospital,  
28 nursing home, human development center, or other similar facility, and who is  
29 incapable of consent because he is mentally defective or mentally  
30 incapacitated; or

31 (3) Who is incapable of consent because he is physically  
32 helpless; or

33 (4) Who is less than fourteen (14) years of age. It is an  
34 affirmative defense to prosecution under this subdivision (a)(4) that the  
35 actor was not more than two (2) years older than the victim; or

36 (5) Not his spouse who is less than sixteen (16) years of age and

1 who is incapable of consent because he is mentally defective or mentally  
2 incapacitated.

3 (b) Rape is a Class Y felony.

4 (c) The court may issue a permanent no contact order when a defendant  
5 pleads guilty, nolo contendere, or when all the defendant's appeals have been  
6 exhausted, and the defendant remains convicted.

7 (d) If the judicial officer has reason to believe that mental disease  
8 or defect of the defendant will or has become an issue in the cause, the  
9 judicial officer shall enter such orders as are consistent with § 5-2-305.

10 /s/ Parks

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APPROVED: 2/19/2001

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