

1 State of Arkansas *As Engrossed: H4/1/21 S4/19/21*

2 93rd General Assembly

A Bill

3 Regular Session, 2021

HOUSE BILL 1740

4

5 By: Representatives Lundstrum, *Bentley, M. Berry, Brooks, Brown, Christiansen, Cloud, C. Cooper,*
6 *Crawford, Milligan, Richmond, Rye, B. Smith, Wing, Wooten*

7 By: Senator Bledsoe

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For An Act To Be Entitled

10 AN ACT TO COMBAT SEX TRAFFICKING OF MINORS; TO
11 PROTECT THE CHILDREN OF ARKANSAS FROM SEXUAL
12 PREDATORS AND PEDOPHILES; AND FOR OTHER PURPOSES.

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Subtitle

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TO COMBAT SEX TRAFFICKING OF MINORS; AND

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TO PROTECT THE CHILDREN OF ARKANSAS FROM

18

SEXUAL PREDATORS AND PEDOPHILES.

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

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23 SECTION 1. DO NOT CODIFY. Legislative findings.

24 (a) The General Assembly finds that:

25 (1)(A) Sex trafficking of children is a business that is growing
26 and flourishing in the State of Arkansas.

27 (B)(i) In 2019, the Polaris Project worked on over eleven
28 thousand (11,000) cases of human trafficking reported to the National Human
29 Trafficking Hotline.

30 (ii) These cases involved over twenty-two thousand
31 (22,000) individual survivors, over four thousand (4,000) traffickers,
32 and almost two thousand (2,000) suspicious businesses.

33 (iii) Human trafficking is notoriously underreported
34 to law enforcement and as shocking as these numbers are, they are likely only
35 a fraction of the actual amount.

36 (C) The National Human Trafficking Hotline identified in



1 2019 one hundred eighty-four (184) victims of human trafficking as well as
2 sixty (60) known traffickers.

3 (D) Since the beginning of 2018, the organization Into the
4 Light has served ninety-seven (97) victims and survivors of sex trafficking
5 in Arkansas;

6 (2)(A) Persons engaging in the business of child sex
7 trafficking, whether buying or selling a child, are engaging in deviate
8 sexual activity.

9 (B) By amending the age of consent to eighteen (18) years
10 of age in this act, law enforcement will be able to more readily ascertain if
11 the law has been violated;

12 (3)(A) Children who have been groomed and forced into sexual
13 slavery experience polyvictimization, which results in significant physical,
14 emotional, and psychological trauma.

15 (B) Due to the devastating effects of polyvictimization of
16 this trauma, victims need extensive services.

17 (C) Sex trafficking is costly to Arkansas's overburdened
18 social service system;

19 (4)(A) Traffickers target Arkansas's most vulnerable
20 populations. Those populations include children in foster care, children
21 with a history of abuse and neglect, and children involved in the juvenile
22 justice system.

23 (B) Arkansas's laws must protect Arkansas's most
24 vulnerable children from further exploitation and victimization; and

25 (5)(A) With the increased pervasiveness of social media,
26 Arkansas has become a known destination for child sex tourism.

27 (B) Arkansas's current laws create an open door to
28 traffickers and predators from any location and send the message that
29 children can be exploited without fear of legal consequences.

30 (C) Raising the age of consent will remove the disparities
31 in service, care, and protection for older children.

32

33 SECTION 2. Arkansas Code § 5-18-102, concerning the definitions used
34 in regard to the Human Trafficking Act of 2013, is amended to add an
35 additional subdivision to read as follows:

36 (16) "Grooms" means to expose a minor to sexually explicit

1 language or to a visual or print medium depicting sexually explicit conduct
2 with the purpose to gain the trust of the minor; and

3 (17)(A) "Sexually explicit" means a depiction or description of
4 a sex act that:

5 (i) Either:

6 (a) Appeals to the prurient interest; or

7 (b) Depicts or describes, in a patently
8 offensive way, the sex act; and

9 (ii) Depicts or describes the sex act in a way that
10 lacks literary, artistic, political, or scientific value.

11 (B) "Sexually explicit" includes without limitation a
12 depiction or description of a sex act by a minor or that would create
13 criminal liability under § 5-27-303 or § 5-27-304.

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15 SECTION 3. Arkansas Code Title 5, Chapter 18, is amended to add
16 additional sections to read as follows:

17 5-18-106. Grooming a minor for future sex trafficking.

18 (a) A person commits grooming a minor for future sex trafficking if
19 the person knowingly grooms a minor with a purpose to make it more likely
20 that the minor can be enticed or induced into a future sex trafficking act
21 with a person.

22 (b) Grooming a minor for future sex trafficking is a Class B felony.

23
24 5-18-107. Traveling for the purpose of an unlawful sex act with a
25 minor.

26 (a) As used in this section, "travels" means to leave one's residence
27 or locality to go away on a trip, tour, or journey.

28 (b) A person commits traveling for the purpose of an unlawful sex act
29 with a minor if the person is eighteen (18) years of age or older and
30 knowingly travels for the purpose of engaging in an unlawful sex act with a
31 minor or a person he or she believes is a minor.

32 (c) Traveling for the purpose of an unlawful sex act with a minor is a
33 Class B felony.

34 (d) It is an affirmative defense to prosecution under this section
35 that the actor was not more than three (3) years older than the victim.

36 (e) Consent is not a defense to prosecution under this section.

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/s/Lundstrum

APPROVED: 4/30/21