

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

As Engrossed: H3/29/23

# A Bill

HOUSE BILL 1502

5 By: Representatives Gazaway, C. Fite, Lundstrum, J. Mayberry  
6 By: Senator K. Hammer  
7

## For An Act To Be Entitled

9 AN ACT TO CREATE THE OFFENSE OF SEXUAL SOLICITATION  
10 OF A MINOR; TO AMEND THE LAW CONCERNING THE HUMAN  
11 TRAFFICKING VICTIM SUPPORT FUND; TO AMEND THE LAW  
12 CONCERNING THE SAFE HARBOR FUND FOR SEXUALLY  
13 EXPLOITED CHILDREN; AND FOR OTHER PURPOSES.  
14  
15

## Subtitle

16 TO CREATE THE OFFENSE OF SEXUAL  
17 SOLICITATION OF A MINOR; TO AMEND THE LAW  
18 CONCERNING THE HUMAN TRAFFICKING VICTIM  
19 SUPPORT FUND; AND TO AMEND THE LAW  
20 CONCERNING THE SAFE HARBOR FUND FOR  
21 SEXUALLY EXPLOITED CHILDREN.  
22  
23  
24

25 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
26

27 SECTION 1. Arkansas Code Title 5, Chapter 70, Subchapter 1, is amended  
28 to add an additional section to read as follows:

29 5-70-107. Sexual solicitation of a minor.

30 (a) A person commits the offense of sexual solicitation of a minor if  
31 he or she:

32 (1) Offers or agrees to pay a fee or provide a thing of value to  
33 a person who he or she knows or reasonably should know is a minor to engage  
34 in sexual activity with the person who he or she knows or reasonably should  
35 know is a minor;

36 (2) Offers or agrees to pay a fee or provide a thing of value to



1 another person for the purpose of engaging in sexual activity with a person  
2 who he or she knows or reasonably should know is a minor;

3 (3) Solicits, offers, or agrees to accept a fee or a thing of  
4 value from another person for the purpose of allowing the other person to  
5 engage in sexual activity with a person who he or she knows or reasonably  
6 should know is a minor; or

7 (4) Pays a fee or provides a thing of value to a person who he  
8 or she knows or reasonably should know is a minor or another person for the  
9 purpose of engaging in sexual activity with the person who he or she knows or  
10 reasonably should know is a minor.

11 (b) It is an affirmative defense to a prosecution under this section  
12 that the actor in good faith reasonably believed that the minor was eighteen  
13 (18) years of age or older.

14 (c) It is not a defense to a prosecution under this section that the  
15 minor consented to the sexual activity.

16 (d) Sexual solicitation of a minor is a Class B felony.

17 (e)(1) In addition to any other sentence authorized by this section, a  
18 person who violates this section by offering to pay, agreeing to pay, or  
19 paying a fee to engage in sexual activity upon conviction shall be ordered to  
20 pay a fine of not less than five thousand dollars (\$5,000) nor more than  
21 fifteen thousand dollars (\$15,000).

22 (2) Fine payments received under subdivision (e)(1) of this  
23 section shall be deposited as follows:

24 (A) Fifty percent (50%) into the Safe Harbor Fund for  
25 Sexually Exploited Children; and

26 (B) Fifty percent (50%) into the Human Trafficking Victim  
27 Support Fund.

28  
29 SECTION 2. Arkansas Code § 19-5-1252(b), concerning the Safe Harbor  
30 Fund for Sexually Exploited Children, is amended to read as follows:

31 (b) The fund shall consist of fines collected under §§ 5-18-103(d), 5-  
32 70-102(d), ~~and~~ 5-70-103(d), and 5-70-107(e) and any other revenues authorized  
33 by law.

34  
35 SECTION 3. Arkansas Code § 19-5-1252(d), concerning the Safe Harbor  
36 Fund for Sexually Exploited Children, is amended to read as follows:

1 (d) As used in this section, "sexually exploited child" means a person  
2 less than eighteen (18) years of age who has been subject to sexual  
3 exploitation because the person:

4 (1) Is a victim of trafficking of persons under § 5-18-103;

5 (2) Is a victim of child sex trafficking under 18 U.S.C. § 1591,  
6 as it existed on January 1, 2013; or

7 (3) Engages in an act of prostitution under § 5-70-102 or sexual  
8 solicitation under § 5-70-103 or § 5-70-107.

9  
10 SECTION 4. Arkansas Code § 19-5-1261(b), concerning the Human  
11 Trafficking Victim Support Fund, is amended to read as follows:

12 (b) The fund shall consist of fees collected under §§ 5-5-501(d) and  
13 5-70-107(e) and any other revenues authorized by law.

14  
15 SECTION 5. Arkansas Code § 19-5-1261(d), concerning the Human  
16 Trafficking Victim Support Fund, is amended to read as follows:

17 (d) As used in this section, "victim of human trafficking" means a  
18 person who has been subject to sexual exploitation because the person:

19 (1) Is a victim of trafficking of persons under § 5-18-103;

20 (2) Is a victim of child sex trafficking under 18 U.S.C. § 1591,  
21 as it existed on January 1, 2017; or

22 (3) Engages in an act of prostitution under § 5-70-102 or sexual  
23 solicitation under § 5-70-103 or § 5-70-107.

24  
25 */s/Gazaway*

26  
27  
28 **APPROVED: 4/12/23**