

Hall of the House of Representatives
93rd General Assembly - Regular Session, 2021
Amendment Form

Subtitle of House Bill No. 1742

CONCERNING SEXUAL ACTS WITH A MINOR; CONCERNING THE AGE AT WHICH A MINOR MAY
LAWFULLY CONSENT TO A SEXUAL ACT.

Amendment No. 1 to House Bill 1742

Amend House Bill No. 1742 as originally introduced:

Page 1, delete line 21, and substitute the following:

"SECTION 1. Arkansas Code § 5-14-110 is amended to read as follows:

5-14-110. Sexual indecency with a child.

(a) A person commits sexual indecency with a child if:

(1)(A) Being eighteen (18) years of age or older, the person solicits another person who is ~~less than fifteen (15) years of age~~ a minor or who is represented to be ~~less than fifteen (15) years of age~~ a minor to engage in:

~~(A)(1)~~ Sexual intercourse;

~~(B)(2)~~ Deviate sexual activity; or

~~(C)(3)~~ Sexual contact;.

(B) It is an affirmative defense to a prosecution under subdivision (a)(1)(A) of this section if the person is within three (3) years of age of the victim;

(2)(A) With the purpose to arouse or gratify a sexual desire of himself or herself or a sexual desire of another person, the person purposely exposes his or her sex organs to another person who is ~~less than fifteen (15) years of age~~ a minor.

(B) It is an affirmative defense to a prosecution under subdivision (a)(2)(A) of this section if the person is within three (3) years of age of the victim;

(3) With the purpose to arouse or gratify a sexual desire of himself or herself or a sexual desire of another person, the person purposely exposes his or her sex organs to a minor, and the actor is:

(A) Employed with the Division of Correction, Division of Community Correction, any city or county jail, or any juvenile detention facility, and the minor is in custody at a facility operated by the agency or contractor employing the actor;

(B) A mandated reporter under § 12-18-402(b) and is in a position of trust or authority over the minor; or



(C) The minor's parent or guardian, an employee in the minor's school or school district, a temporary caretaker, or a person in a position of trust and authority over the minor;

(4) With the purpose to arouse or gratify his or her sexual desire or a sexual desire of another person, the person, being eighteen (18) years of age or older, causes or coerces a minor to expose his or her sex organs to the actor or another person, and the actor is:

(A) Employed with the Division of Correction, the Division of Community Correction, any city or county jail, or any juvenile detention facility, and the minor is in custody at a facility operated by the agency or contractor employing the actor;

(B) Employed by or contracted with the Division of Community Correction, a local law enforcement agency, a court, or a local government and the actor is supervising the minor while the minor is on probation or parole or for any other court-ordered reason;

(C) A mandated reporter under § 12-18-402(b) and is in a position of trust or authority over the minor; or

(D) The minor's parent or guardian, an employee in the minor's school or school district, a temporary caretaker, or a person in a position of trust or authority over the minor; or

(5)(A) Being eighteen (18) years of age or older, the person causes or coerces another person who is ~~less than fourteen (14) years of age~~ a minor to expose his or her sex organs or the breast of a female with the purpose to arouse or gratify a sexual desire of the actor or another person.

(B) It is an affirmative defense to a prosecution under subdivision (a)(5)(A) of this section if the person is within three (3) years of age of the victim.

(b) Sexual indecency with a child is a Class D felony.

SECTION 2. Arkansas Code §§ 5-14-124 - 5-14-127 are amended to"

AND

Page 2, delete line 26, and substitute the following:
"than three (3) years older than the victim."

AND

Page 4, delete line 5, and substitute the following:
"(2) Sexual assault in the second degree is a Class ~~D~~ C felony if"

AND

Page 5, delete line 5, and substitute the following:
"(a)(2) that the actor was not more than three (3) years older than"

AND

Page 5, delete line 14, and substitute the following:
"(c)(1) Sexual assault in the third degree is a Class ~~G~~ D felony if committed under subdivision (a)(2)(A) of this section.

(2) Otherwise, sexual assault in the third degree is a Class C felony."

AND

Page 5, delete lines 34 through 36

AND

Page 6, delete line 1, and substitute the following:

"(b)(1) Sexual assault in the fourth degree ~~under subdivisions (a)(1)(A) and (a)(2) of this section~~ is a Class D felony."

AND

Appropriately renumber the sections of the bill

The Amendment was read _____

By: Representative Lundstrum
BPG/BPG - 03-22-2021 09:02:44
BPG465

Chief Clerk