

ARKANSAS SENATE
95th General Assembly - Regular Session, 2025
Amendment Form

Subtitle of Senate Bill 427

CONCERNING THE OFFENSE OF PROMOTING PROSTITUTION; TO REPEAL SECTIONS
OF THE LAW CONCERNING PROMOTING PROSTITUTION; TO ENHANCE THE
PENALTIES FOR PROMOTING PROSTITUTION; AND TO PENALIZE A BUSINESS
INVOLVED IN PROMOTING PROSTITUTION.

Amendment No. 1 to Senate Bill 427

Amend Senate Bill 427 as originally introduced:

Delete the title in its entirety, and substitute the following:

"AN ACT TO AMEND PROMOTING PROSTITUTION OFFENSES; TO ENHANCE THE
PENALTIES FOR PROMOTING PROSTITUTION IN THE FIRST, SECOND, AND THIRD DEGREE;
TO CREATE THE OFFENSE OF PROMOTING PROSTITUTION AT A BUSINESS; AND FOR OTHER
PURPOSES."

AND

Delete the subtitle in its entirety, and substitute the following:

"TO AMEND PROMOTING PROSTITUTION
OFFENSES; TO ENHANCE THE PENALTIES FOR
PROMOTING PROSTITUTION IN THE FIRST,
SECOND, AND THIRD DEGREE; AND TO CREATE
THE OFFENSE OF PROMOTING PROSTITUTION AT
A BUSINESS."

AND

Delete everything after the enacting clause, and substitute the following:

"SECTION 1. Arkansas Code §§ 5-70-104 – 5-70-106 are amended to read



as follows:

5-70-104. Promoting prostitution in the first degree.

(a) A person commits the offense of promoting prostitution in the first degree if he or she knowingly:

(1) Advances prostitution by compelling a person by use of physical force, ~~or~~ intimidation, or coercion to engage in prostitution ~~or profits from such coercive conduct by another; or~~

(2) Profits from conduct prohibited under subdivision (a)(1) of this section that is committed by another person; or

(3) Advances prostitution or profits from prostitution of a person less than eighteen (18) years of age.

(b) Promoting prostitution in the first degree is a:

(1) ~~Class D felony under subdivision (a)(1) of this section~~ Class C felony for a first offense; or

(2) Class B felony ~~under subdivision (a)(2) of this section~~ for a second or subsequent offense.

(c)(1) In addition to any other sentence authorized by this section, a person who violates this section ~~by offering to pay, agreeing to pay, or paying a fee to engage in sexual activity~~ upon conviction shall be ordered to pay a fine of ~~two thousand five hundred dollars (\$2,500):~~

(A) Two thousand five hundred dollars (\$2,500) for a first offense;

(B) Five thousand dollars (\$5,000) for a second offense;

or

(C) Ten thousand dollars (\$10,000) for a third or subsequent offense.

(2) Fine payments received under subdivision (c)(1) of this section shall be deposited ~~as follows:~~

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

~~(B) Fifty percent (50%) into the Human Trafficking Victim Support Fund~~ into the Human Trafficking Victim Support Fund, or its successor fund or successor fund account.

5-70-105. Promoting prostitution in the second degree.

(a) A person commits the offense of promoting prostitution in the

~~second degree if he or she knowingly advances prostitution or profits from prostitution by managing, supervising, controlling, or owning, either alone or in association with another, a house of prostitution or a prostitution enterprise involving two (2) or more prostitutes:~~

(1) Manages, supervises, controls, or owns, either alone or in association with another person, a house of prostitution or a prostitution enterprise involving two (2) or more persons engaging in prostitution; or

(2) Manages or facilitates an online platforms, digital space, or any other medium used for the solicitation of prostitution or that advances prostitution.

~~(b) Promoting prostitution in the second degree is a Class A misdemeanor:~~

(1) Class D felony for a first offense; or

(2) Class C felony for a second or subsequent offense.

~~(c)(1) In addition to any other sentence authorized by this section, a person who violates this section by offering to pay, agreeing to pay, or paying a fee to engage in sexual activity upon conviction shall be ordered to pay a fine of two thousand five hundred dollars (\$2,500):~~

(A) Two thousand five hundred dollars (\$2,500) for a first offense;

(B) Five thousand dollars (\$5,000) for a second offense;

or

(C) Ten thousand dollars (\$10,000) for a third or subsequent offense.

~~(2) Fine payments received under subdivision (c)(1) of this section shall be deposited as follows:~~

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

~~(B) Fifty percent (50%) into the Human Trafficking Victim Support Fund~~ into the Human Trafficking Victim Support Fund, or its successor fund or successor fund account.

5-70-106. Promoting prostitution in the third degree.

(a) A person commits the offense of promoting prostitution in the third degree if:

(1) Having a possessory or proprietary interest in premises that

he or she knows is being used for prostitution, the person fails to make reasonable effort to halt or abate the use for prostitution; or

(2) He or she knowingly advances prostitution or profits from prostitution.

(b) Promoting prostitution in the third degree is a ~~Class B misdemeanor~~

(1) Class A misdemeanor for a first offense; or

(2) Class D felony for a second or subsequent offense.

(c)(1) In addition to any other sentence authorized by this section, a person who violates this section ~~by offering to pay, agreeing to pay, or paying a fee to engage in sexual activity~~ upon conviction shall be ordered to pay a fine of ~~one thousand dollars (\$1,000):~~

(A) Two thousand five hundred dollars (\$2,500) for a first offense;

(B) Five thousand dollars (\$5,000) for a second offense;

or

(C) Ten thousand dollars (\$10,000) for a third or subsequent offense.

(2) Fine payments received under subdivision (c)(1) of this section shall be deposited ~~as follows:~~

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

~~(B) Fifty percent (50%) into the Human Trafficking Victim Support Fund~~ into the Human Trafficking Victim Support Fund, or its successor fund or successor fund account.

SECTION 2. Arkansas Code Title 5, Chapter 70, is amended to add an additional section to read as follows:

5-70-108. Promoting prostitution at a business – Civil liability.

(a) As used in this section:

(1) "Business" means a corporation, partnership, sole proprietorship, limited liability corporation, or other business entity organized under the laws of this state; and

(2) "Involved in a prostitution violation" means to the knowledge of an owner, manager, or other person with an ownership interest in the business, the business:

(A) Permits, facilitates, or allows prostitution to occur on the premises of the business or through the business's operations;

(B) Employs, contracts, or otherwise engages individuals for the purpose of prostitution or benefits from the employment, contracting with, or otherwise engaging individuals for the purpose of prostitution;

(C) Fails to take reasonable measures to prevent prostitution-related activities after receiving notice of prostitution-related activities; or

(D) Advertises, promotes, or provides a platform for the facilitation of prostitution.

(b) In addition to any other penalty or liability authorized by law, a business involved in a prostitution violation is subject to the following civil liability:

(1) For a first involvement in a prostitution violation, any business license granted under the laws of the state to the business shall be suspended for thirty (30) days, and the business shall be issued a civil penalty of five thousand dollars (\$5,000);

(2) For a second involvement in a prostitution violation, any business license granted under the laws of the state to the business shall be suspended for sixty (60) days, and the business shall be issued a civil penalty of ten thousand dollars (\$10,000); and

(3) For a third or subsequent involvement in a prostitution violation, any business license granted under the laws of the state shall be revoked, and the business shall be issued a civil penalty of one hundred thousand dollars (\$100,000).

(c) Civil penalties received under subsection (b) of this section shall be deposited into the Human Trafficking Victim Support Fund, or its successor fund or successor fund account.

The Amendment was read the first time, rules suspended and read the second time and _____
By: Senator J. Bryant
CEB/CEB - 03-30-2025 08:26:47
CEB268

Secretary

