



ARKANSAS SENTENCING COMMISSION

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Impact Assessment for HB1609 **Sponsored by Representative Lundstrum**

Subtitle TO CREATE AN ENHANCED PENALTY FOR RECRUITING TRAFFICKED PERSONS FROM CERTAIN PLACES

Impact Summary¹ Cannot be determined. The proposed bill creates an enhanced penalty for which the likely number of occurrences is unknown.

Change from Current Law² Amends Title 5, Chapter 18 of Arkansas Code Annotated (A.C.A.) by adding an additional section, A.C.A. §5-18-108, Enhanced liability-Certain conditions, to the Human Trafficking Act of 2013. Under the proposed bill, a person convicted of an offense under the Human Trafficking Act of 2013 may be subject to an enhanced sentence of an additional term of imprisonment not to exceed five (5) years if the person recruited a trafficked person from a shelter, facility operating as a residential treatment center, or a correctional facility while the trafficked person was confined in the facility. Under current law, there is not an enhanced sentence for recruiting a trafficked person from these places.

Impact Information The proposed bill creates a new enhanced penalty, the likely number of occurrences of which cannot be determined. The following data is for informational purposes only.

The Administrative Office of the Courts (AOC) reports that for the three (3) year period beginning January 1, 2022 and ending December 31, 2024, there were nine (9) felony convictions for a violation of A.C.A. § 5-18-103(c)(2), Trafficking of minor persons; three (3) felony convictions for a violation of A.C.A. § 5-18-103(c)(1), Trafficking of persons; three (3) felony convictions for a violation of A.C.A. § 5-18-107, Traveling for purpose of unlawful sex act with minor; and one (1) felony conviction each for A.C.A. §§ 5-18-104(b)(1), Patronizing victim of human trafficking and 5-18-104(b)(2), Patronizing victim of human trafficking-minor.

The Division of Correction (ADC) reports that there are currently twelve (12) offenders serving a sentence for A.C.A. §§ 5-18-103, 5-18-104, and 5-18-107, as the most serious offense. Ten (10) of those offenders are serving a sentence for A.C.A. § 5-18-103, Trafficking of minor persons; one (1) of those offenders is serving a sentence for A.C.A. § 5-18-104, Patronizing victim of human trafficking; and one (1) of those offenders is serving a sentence for A.C.A. § 5-18-107, Traveling for the purpose of an unlawful sex act with a minor.

Available data does not distinguish where victims were recruited for a human trafficking offense. For this reason, the potential impact on correctional resources cannot be determined.

¹ This impact assessment was prepared 3/3/2025 2:12 PM by the staff of the Arkansas Sentencing Commission pursuant to A. C. A. § 16-90-802(d)(6) with data supplied by the Department of Corrections and the Administrative Office of the Courts. A micro-simulation model may be used for bills which have the potential for significant impact on correctional resources. The following designations will be used:

“minimal” = less than 10 offenders per year will be affected; “medium” = would require budgetary increases for ADC costs; and “major” = would require budgetary increases for ADC costs and construction costs for additional beds.

² Standard punishment ranges:

Class Y 10-40 years or life
Class A 6-30 years; up to \$15,000
Class B 5-20 years; up to \$15,000

Class C 3-10 years; up to \$10,000
Class D 0-6 years; up to \$10,000
Unclassified As specified in statute

Misdemeanors
Class A Up to 1 year; up to \$2,500
Class B Up to 90 days; up to \$1,000
Class C Up to 30 days; up to \$500