



ARKANSAS SENTENCING COMMISSION

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Impact Assessment for SB314 Sponsored by Senator Irvin

Subtitle TO AMEND THE LAW CONCERNING SEXUAL SOLICITATION

Impact Summary¹ Cannot be determined. The proposed bill increases the penalty for an existing criminal offense and creates a new felony offense.

Change from Current Law² Amends Title 5 of Arkansas Code Annotated (A.C.A.) § 5-70-103(b), Concerning the penalties associated with sexual solicitation. Under the proposed bill, a violation of A.C.A. § 5-70-103(b) is a Class A misdemeanor for a first offense and a Class D felony for any subsequent offense. Under current law, a first offense is punishable by no more than ninety (90) days' imprisonment, a fine of no more than two thousand dollars (\$2,000) or both imprisonment and a fine; and a subsequent offense is punishable by no more than one (1) year of imprisonment, a fine of no more than three thousand five hundred dollars (\$3,500), or both imprisonment and a fine.

Impact Information The proposed bill creates a new felony offense, 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 three (3) misdemeanor convictions for a violation of A.C.A. § 5-70-103(b), Concerning the penalties associated with sexual solicitation. It is important to note that misdemeanors are often disposed of in District Court, and that not all district courts report data to the AOC. For this reason, the number of misdemeanor convictions is likely higher than reported.

The likely number of occurrences with the increased penalty for an existing criminal offense that creates a new felony offense is unknown. While there is a current unlawful course of conduct for this offense, the reported number of convictions may be higher than reported. For this reason, the potential impact on correctional resources cannot be determined.

¹ This impact assessment was prepared 3/10/2025 2:14 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