



## ARKANSAS SENTENCING COMMISSION

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### Impact Assessment for SB328 Sponsored by Senator Irvin

**Subtitle** TO AMEND THE LAW CONCERNING COMPUTER CRIMES AGAINST MINORS

**Impact Summary**<sup>1</sup> Cannot be determined. The proposed bill amends existing courses of conduct in several provisions of the Arkansas Criminal Code. Available data is not sufficient to determine the projected impact of the proposed bill.

**Change from Current Law**<sup>2</sup> Amends several provisions in Title 5 of Arkansas Code Annotated (A.C.A.) regarding computer crimes against minors, specifically A.C.A. §§ 5-27-601 to 610. Please note that this impact will only consider amended provisions and will not detail those provisions which are unchanged by the proposed bill. Under the proposed bill, the definition of child is modified in A.C.A. § 5-27-601(1) to mean any person under eighteen (18) years of age. Under current law, a child means any person under seventeen (17) years of age.

The proposed bill amends a course of conduct by which a person can commit A.C.A. § 5-27-602, Distributing, possession, or viewing of matter depicting sexually explicit conduct involving a child. Under current law, a person commits the offense of Distribution, possession or viewing of matter depicting sexually explicit conduct involving a child if he or she knowingly distributes, possesses, or views through any means sexually explicit conduct involving a person under seventeen (17) years of age. Under the proposed bill, a person commits the offense of Distribution, possession or viewing of matter depicting sexually explicit conduct involving a child if he or she knowingly distributes, possesses, or views through any means sexually explicit conduct involving a person under eighteen (18) years of age.

The proposed bill amends a course of conduct by which a person can commit A.C.A. § 5-27-603, Possession or use of child sexual abuse material. Under current law, a person commits the offense of Possession or use of child sexual abuse material if he or she knowingly possesses or uses sexual abuse material of a person under seventeen (17) years of age. Under the proposed bill, a person commits the offense of Possession or use of child sexual abuse material if he or she knowingly possesses or uses sexual abuse material of a person under eighteen (18) years of age.

The proposed bill amends a course of conduct by which a person can commit A.C.A. § 5-27-605, Computer exploitation of a child. Under current law, a person commits the offense of Computer exploitation of a child if he or she causes or permits a person under seventeen (17) years of age to engage in sexually explicit conduct

<sup>1</sup> This impact assessment was prepared 3/4/2025 1:55 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.

<sup>2</sup> 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

and knows the conduct may be photographed, filmed, or reproduced. Under the proposed bill, a person commits the offense of Computer exploitation of a child if he or she causes or permits a person under eighteen (18) years of age to engage in sexually explicit conduct and knows the conduct may be photographed, filmed, or reproduced.

**Impact Information** The proposed bill amends conduct provisions in existing criminal offenses. 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 thousand one hundred and seventy-eight (3,178) felony convictions for a violation of A.C.A. § 5-27-602, Distributing, possessing, or viewing of matter depicting sexually explicit conduct involving a child; seventy-seven (77) felony convictions for a violation of A.C.A. § 5-27-603, Possession or use of child sexual abuse material; and sixty-five (65) felony convictions for a violation of A.C.A. § 5-27-605, Computer exploitation of a child.

The Division of Correction (ADC) reports that there are currently two hundred and twenty-one (221) offenders serving a sentence for A.C.A. § 5-27-602, Distributing, possessing, or viewing of matter depicting sexually explicit conduct involving a child, as the most serious offense; twenty-one (21) offenders serving a sentence for A.C.A. § 5-27-603, Possession or use of child sexual abuse material, as the most serious offense; and nine (9) offenders serving a sentence for A.C.A. § 5-27-605, Computer exploitation of a child, as the most serious offense.

The proposed bill amends various provisions in the Arkansas Criminal Code regarding the definition of child. While it is likely that the proposed bill will have an impact on correctional resources, available data for amended courses of conduct does not provide the level of detail necessary to determine an impact. For these reasons, the projected impact of the proposed bill cannot be determined.