

1 State of Arkansas  
2 95th General Assembly  
3 Regular Session, 2025  
4

As Engrossed: S4/1/25

## A Bill

SENATE BILL 427

5 By: Senator J. Bryant  
6 By: Representative McAlindon  
7

### For An Act To Be Entitled

9 AN ACT TO AMEND PROMOTING PROSTITUTION OFFENSES; TO  
10 ENHANCE THE PENALTIES FOR PROMOTING PROSTITUTION IN  
11 THE FIRST, SECOND, AND THIRD DEGREE; TO CREATE THE  
12 OFFENSE OF PROMOTING PROSTITUTION AT A BUSINESS; AND  
13 FOR OTHER PURPOSES.  
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### Subtitle

16 TO AMEND PROMOTING PROSTITUTION  
17 OFFENSES; TO ENHANCE THE PENALTIES FOR  
18 PROMOTING PROSTITUTION IN THE FIRST,  
19 SECOND, AND THIRD DEGREE; AND TO CREATE  
20 THE OFFENSE OF PROMOTING PROSTITUTION AT  
21 A BUSINESS.  
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24 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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26 SECTION 1. Arkansas Code §§ 5-70-104 – 5-70-106 are amended to read as  
27 follows:

28 5-70-104. Promoting prostitution in the first degree.

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

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

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

36 (3) Advances prostitution or profits from prostitution of a



1 person less than eighteen (18) years of age.

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

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

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

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

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

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

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

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

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

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

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25 5-70-105. Promoting prostitution in the second degree.

26 (a) A person commits the offense of promoting prostitution in the  
27 second degree if he or she knowingly ~~advances prostitution or profits from~~  
28 ~~prostitution by managing, supervising, controlling, or owning, either alone~~  
29 ~~or in association with another, a house of prostitution or a prostitution~~  
30 ~~enterprise involving two (2) or more prostitutes:~~

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

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

1 (b) Promoting prostitution in the second degree is a ~~Class A~~  
2 ~~misdemeanor~~;

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

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

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

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

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

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

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

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

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

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23 5-70-106. Promoting prostitution in the third degree.

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

26 (1) Having a possessory or proprietary interest in premises that  
27 he or she knows is being used for prostitution, the person fails to make  
28 reasonable effort to halt or abate the use for prostitution; or

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

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

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

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

35 (c)(1) In addition to any other sentence authorized by this section, a  
36 person who violates this section ~~by offering to pay, agreeing to pay, or~~

1 ~~paying a fee to engage in sexual activity~~ upon conviction shall be ordered to  
2 pay a fine of ~~one thousand dollars (\$1,000):~~

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

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

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

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

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

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

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

19 5-70-108. Promoting prostitution at a business – Civil liability.

20 (a) As used in this section:

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

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

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

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

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

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

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

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

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

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

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

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20 /s/J. Bryant  
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