

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

# A Bill

SENATE BILL 427

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

## For An Act To Be Entitled

8 AN ACT CONCERNING THE OFFENSE OF PROMOTING  
9 PROSTITUTION; TO REPEAL SECTIONS OF THE LAW  
10 CONCERNING PROMOTING PROSTITUTION; TO ENHANCE THE  
11 PENALTIES FOR PROMOTING PROSTITUTION; TO PENALIZE A  
12 BUSINESS INVOLVED IN PROMOTING PROSTITUTION; AND FOR  
13 OTHER PURPOSES.  
14

## Subtitle

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16  
17 CONCERNING THE OFFENSE OF PROMOTING  
18 PROSTITUTION; TO REPEAL SECTIONS OF THE  
19 LAW CONCERNING PROMOTING PROSTITUTION;  
20 TO ENHANCE THE PENALTIES FOR PROMOTING  
21 PROSTITUTION; AND TO PENALIZE A BUSINESS  
22 INVOLVED IN PROMOTING PROSTITUTION.  
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24  
25 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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27 SECTION 1. Arkansas Code §§ 5-70-104, 5-70-105, and 5-70-106 are  
28 repealed.

29 ~~5-70-104. Promoting prostitution in the first degree.~~

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

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

35 ~~(2) Advances prostitution or profits from prostitution of a~~  
36 ~~person less than eighteen (18) years of age.~~



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

2 ~~(1) Class D felony under subdivision (a)(1) of this section;~~

3 ~~(2) Class B felony under subdivision (a)(2) of this section.~~

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

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

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

12 ~~(B) Fifty percent (50%) into the Human Trafficking Victim~~  
13 ~~Support Fund.~~

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15 ~~5-70-105. Promoting prostitution in the second degree.~~

16 ~~(a) A person commits the offense of promoting prostitution in the~~  
17 ~~second degree if he or she knowingly advances prostitution or profits from~~  
18 ~~prostitution by managing, supervising, controlling, or owning, either alone~~  
19 ~~or in association with another, a house of prostitution or a prostitution~~  
20 ~~enterprise involving two (2) or more prostitutes.~~

21 ~~(b) Promoting prostitution in the second degree is a Class A~~  
22 ~~misdemeanor.~~

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

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

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

31 ~~(B) Fifty percent (50%) into the Human Trafficking Victim~~  
32 ~~Support Fund.~~

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34 ~~5-70-106. Promoting prostitution in the third degree.~~

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

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

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

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

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

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

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

16           ~~(B) Fifty percent (50%) into the Human Trafficking Victim~~  
 17 ~~Support Fund.~~

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

21           5-70-108. Promoting prostitution.

22           (a) As used in this section, "business" means a corporation,  
 23 partnership, sole proprietorship, limited liability corporation, or other  
 24 business entity organized under the laws of this state.

25           (b)(1) A person commits the offense of promoting prostitution in the  
 26 first degree if he or she knowingly:

27           (A) Advances prostitution by compelling a person by use of  
 28 physical force, intimidation, or coercion to engage in prostitution;

29           (B) Profits from the conduct of another to compel a person  
 30 by use of physical force, intimidation, or coercion to engage in  
 31 prostitution; or

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

34           (2) A person commits the offense of promoting prostitution in  
 35 the second degree if he or she knowingly:

36           (A) Manages, supervises, controls, or owns, either alone

1 or in association with another person, a house of prostitution or a  
 2 prostitution enterprise involving two (2) or more individuals; or

3 (B) Manages or facilitates online platforms, digital  
 4 spaces, or any other medium used for the solicitation or advancement of  
 5 prostitution.

6 (3) A person commits the offense of promoting prostitution in  
 7 the third degree if he or she:

8 (A) Has a possessory or proprietary interest in premises  
 9 he or she knows is used for prostitution and fails to make reasonable efforts  
 10 to halt or abate the use for prostitution; or

11 (B) Knowingly advances prostitution or profits from  
 12 prostitution.

13 (c)(1) Promoting prostitution in the first degree is:

14 (A) For a first offense, a Class C felony for a violation  
 15 of subdivisions (b)(1)(A) and (b)(1)(B);

16 (B) For a second or subsequent offense, a Class B felony  
 17 for a violation of subdivisions (b)(1)(A) and (b)(1)(B); and

18 (C) A Class A felony for a violation of subdivision  
 19 (b)(1)(C).

20 (2) Promoting prostitution in the second degree is:

21 (A) For a first offense, a Class D felony; and

22 (B) For a second or subsequent offense, a Class C felony.

23 (3) Promoting prostitution in the third degree is:

24 (A) For a first offense, a Class A misdemeanor; and

25 (B) For a second or subsequent offense, a Class D felony.

26 (d) In addition to any other sentence authorized by this section, a  
 27 person who violates this section in a manner that involves the use of  
 28 physical force, intimidation, coercion, or a victim that is less than  
 29 eighteen (18) years of age upon conviction shall be ordered to pay a fine of:

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

32 (2) Five thousand dollars (\$5,000) for a second offense; and

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

35 (e) A business is involved in a violation of this section if, to the  
 36 knowledge of an owner, manager, or other person with an ownership interest in

1 the business, the business:

2 (1) Permits, facilitates, or allows prostitution to occur on the  
3 premises or through the business's operations;

4 (2) Employs, contracts, or otherwise engages individuals for the  
5 purpose of prostitution or benefits from such activities;

6 (3) Fails to take reasonable measure to prevent prostitution-  
7 related activities after receiving notice of such activities; or

8 (4) Advertises, promotes, or provides a platform for the  
9 facilitation of prostitution.

10 (f) In addition to any other penalty or liability authorized by law, a  
11 business involved in a violation of this section shall be subject to the  
12 following penalties:

13 (1) For a first violation, any business license granted under  
14 the laws of the state to the business shall be suspended for thirty (30) days  
15 and the business shall be issued a fine of five thousand dollars (\$5,000);

16 (2) For a second violation, any business license granted under  
17 the laws of the state to the business shall be suspended for sixty (60) days  
18 and the business shall be issued a fine of ten thousand dollars (\$10,000);  
19 and

20 (3) For a third or subsequent violation, any business license  
21 granted under the laws of the state shall be revoked and the business shall  
22 pay a fine of one hundred thousand dollars (\$100,000).

23 (g) Fine payments received under subsections (d) and (e) of this  
24 section shall be deposited into the Human Trafficking Victim Support Fund.

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