

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

A Bill

SENATE BILL 429

5 By: Senator J. Bryant
6 By: Representative Joey Carr
7

For An Act To Be Entitled

8
9 AN ACT AMENDING CERTAIN LAWS FOR THE PROTECTION OF
10 HUMAN TRAFFICKING VICTIMS; TO PROVIDE THAT HUMAN
11 TRAFFICKING VICTIMS HAVE CERTAIN RIGHTS; TO AMEND THE
12 COMPREHENSIVE CRIMINAL RECORD SEALING ACT OF 2013 TO
13 EXPAND THE SEALING OF CRIMINAL RECORDS OF VICTIMS OF
14 HUMAN TRAFFICKING; TO PROVIDE THAT A NO-CONTACT ORDER
15 IS MANDATORY FOR HUMAN TRAFFICKING OFFENSE; AND FOR
16 OTHER PURPOSES.
17

Subtitle

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19
20 TO EXPAND THE SEALING OF CRIMINAL
21 RECORDS FOR VICTIMS OF HUMAN
22 TRAFFICKING; TO PROVIDE THAT VICTIMS OF
23 HUMAN TRAFFICKING HAVE CERTAIN RIGHTS;
24 AND TO PROVIDE A MANDATORY NO-CONTACT
25 ORDER IN A HUMAN TRAFFICKING CASE.
26

27 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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29 SECTION 1. Arkansas Code § 16-85-714(b)(1), concerning when a no
30 contact order is issued in a criminal case, is amended to read as follows:

31 (b)(1)(A) A court may issue a no contact order under this section in
32 addition to any other condition of release from custody that is imposed by
33 the court if:

34 ~~(A)(i)~~ The defendant is charged with one (1) or more
35 of the following offenses:

36 ~~(i)(a)~~ Terroristic threatening, § 5-13-301; or



1 ~~(ii) Trafficking of persons, § 5-18-103; or~~
 2 ~~(iii)(b) False imprisonment in the first~~
 3 degree, § 5-11-103; or

4 ~~(B)(ii)~~ It appears that there exists a danger that a
 5 defendant will:

- 6 ~~(i)(a)~~ Commit a serious crime;
- 7 ~~(ii)(b)~~ Seek to intimidate a witness; or
- 8 ~~(iii)(c)~~ Otherwise unlawfully interfere with
 9 the orderly administration of justice.

10 (B) The court shall issue a no contact order under this
 11 section in addition to any other condition of release from custody that is
 12 imposed by the court if the defendant is charged with an offense under the
 13 Human Trafficking Act of 2013, § 5-18-101 et seq.

14
 15 SECTION 2. Arkansas Code § 16-90-1101 is amended to read as follows:
 16 16-90-1101. Definitions.

17 As used in this subchapter:

18 (1) "Crime" means an act or omission committed by a person,
 19 whether or not competent or an adult, which is punishable by incarceration if
 20 committed by a competent adult;

21 (2) "Human trafficking offense" means an offense under the Human
 22 Trafficking Act of 2013, § 5-18-101 et seq.;

23 ~~(2)(3)~~ "Member of the victim's family" means the spouse, a child
 24 by birth or adoption, a stepchild, a parent, a stepparent, a sibling, or an
 25 individual designated by the victim or by a court in which the crime is being
 26 or could be prosecuted, but does not include an individual who is accountable
 27 for the crime or a crime arising from the same conduct, criminal episode, or
 28 plan;

29 ~~(3)(4)~~ "Offense against a victim who is a minor" means:

30 (A) Kidnapping pursuant to § 5-11-102(a)(4) when the
 31 victim is a minor and the offender is not the parent of the victim;

32 (B) False imprisonment in the first degree pursuant to §
 33 5-11-103 when the victim is a minor and the offender is not the parent of the
 34 victim;

35 (C) Permanent detention or restraint pursuant to § 5-11-
 36 106 when the victim is a minor and the offender is not the parent of the

1 victim;

2 (D) Any sex offense when the victim is a minor;

3 (E) Any human trafficking offense when the victim is a
4 minor;

5 ~~(E)~~(F) An attempt, solicitation, or conspiracy to commit
6 any of the offenses enumerated in this subdivision ~~(3)~~(4);

7 ~~(F)~~(G) An adjudication of guilt for an offense of the law
8 of another state, for a federal offense, or for a military offense, which is
9 substantially equivalent to any of the offenses enumerated in this
10 subdivision ~~(3)~~(4); or

11 ~~(G)~~(H) A violation of any former law of this state that is
12 substantially equivalent to any of the offenses enumerated in this
13 subdivision ~~(3)~~(4);

14 ~~(4)~~(5) "Person" means an individual, corporation, estate, trust,
15 partnership, association, joint venture, governmental entity, agency, or
16 instrumentality, or any other legal entity;

17 ~~(5)~~(6) "Representative of the victim" means a member of the
18 victim's family or an individual designated by the victim or by a court in
19 which the crime is being or could be prosecuted;

20 ~~(6)~~(7) "Sex offense" means:

21 (A) Rape, § 5-14-103;

22 (B) Sexual indecency with a child, § 5-14-110, if the
23 offense is a felony;

24 (C) Sexual assault in the first degree, § 5-14-124;

25 (D) Sexual assault in the second degree, § 5-14-125;

26 (E) Sexual assault in the third degree, § 5-14-126;

27 (F) Sexual assault in the fourth degree, § 5-14-127;

28 (G) Incest, § 5-26-202;

29 (H) Engaging children in sexually explicit conduct for use
30 in visual or print medium, § 5-27-303;

31 (I) Transportation of minors for prohibited sexual
32 conduct, § 5-27-305;

33 (J) Employing or consenting to use of a child in sexual
34 performance, § 5-27-402;

35 (K) Producing, directing, or promoting a sexual
36 performance by a child, § 5-27-403;

1 (L) Possession or use of child sexual abuse material, § 5-
2 27-603;

3 (M) Computer exploitation of a child in the first degree,
4 § 5-27-605(a);

5 (N) Promoting prostitution in the first degree, § 5-70-
6 104;

7 (O) Stalking, § 5-71-229;

8 (P) An attempt, solicitation, or conspiracy to commit any
9 of the offenses enumerated in this subdivision ~~(6)(7)~~;

10 (Q) An adjudication of guilt for an offense of the law of
11 another state, for a federal offense, or for a military offense, which is
12 substantially equivalent to any of the offenses enumerated in this
13 subdivision ~~(6)(7)~~;

14 (R) A violation of any former law of this state that is
15 substantially equivalent to any of the offenses enumerated in this
16 subdivision ~~(6)(7)~~; or

17 (S) Sexual extortion, § 5-14-113;

18 ~~(7)(8)~~ "State" means a state of the United States, the District
19 of Columbia, the Commonwealth of Puerto Rico, or any territory or insular
20 possession subject to the jurisdiction of the United States;

21 ~~(8)(9)(A)~~ "Victim" means a victim of a:

22 (i) A sex offense;

23 (ii) ~~or an~~ An offense against a victim who is a
24 minor;

25 (iii) ~~and a victim of any~~ A violent crime, ~~but;~~ or

26 (iv) A human trafficking offense.

27 (B) "Victim" does not include a:

28 (i) ~~person~~ Person who is accountable for the crime or
29 a crime arising from the same conduct, criminal episode, or plan; or ~~and does~~
30 ~~not include a governmental~~

31 (ii) Governmental entity; and

32 ~~(9)(10)~~ "Violent crime" means any felony or Class A misdemeanor
33 which resulted in physical injury to the victim, any felony or Class A
34 misdemeanor involving the use of a deadly weapon, terroristic threatening in
35 the first degree, § 5-13-301(a), and stalking, as defined in § 5-71-229.

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1 SECTION 3. Arkansas Code § 16-90-1412 is amended to read as follows:
 2 16-90-1412. Sealing certain convictions for victims of human
 3 trafficking – Definition.

4 (a) As used in this section,:

5 (1) "Minor" means a person younger than eighteen (18) years of
 6 age; and

7 (2) "victim Victim of human trafficking" means a person who has
 8 been subjected to trafficking of persons, § 5-18-103, or any former law of
 9 this state, law of another state, or federal law that is substantially
 10 similar.

11 (b)(1) A person ~~convicted of prostitution, § 5-70-102,~~ may file a
 12 uniform petition to seal ~~the~~ a conviction under this section if ~~it~~:

13 (A) The conviction was obtained as a result of the
 14 person's having been a victim of human trafficking at the time of the
 15 offense; and

16 (B) The person was:

17 (i) A minor when the offense was committed; or

18 (ii) Eighteen (18) years of age or older when the
 19 offense was committed and the conviction was for the offense of prostitution,
 20 § 5-70-102.

21 (2) A uniform petition under this section may be filed at any
 22 time and may be filed for a conviction imposed at any time.

23 (c) The court shall grant the uniform petition under this section if
 24 it finds by a preponderance of the evidence that:

25 (1) The petitioner was: ~~convicted~~

26 (A) Convicted of prostitution, § 5-70-102, and the offense
 27 was committed when the petitioner was eighteen (18) years of age or older;
 28 and or

29 (B) A minor when the offense was committed; and

30 (2)(A) The conviction was obtained as a result of the
 31 petitioner's having been a victim of human trafficking at the time of the
 32 offense.

33 (B) A finding concerning the affirmative defense under §
 34 5-2-210 does not affect a finding under subdivision (c)(2)(A) of this
 35 section, and the petitioner is not required to have raised the affirmative
 36 defense under § 5-2-210.

1 (d) If the uniform petition under this section is granted, the court
2 shall:

3 (1) Issue a uniform order to seal the conviction; and
4 (2) With respect to the conviction ~~for prostitution, § 5-70-102,~~
5 redact the petitioner's name from all records and files related to the
6 petitioner's:

- 7 (A) Arrest;
8 (B) Citation;
9 (C) Criminal investigation;
10 (D) Criminal charge;
11 (E) Adjudication of guilt;
12 (F) Criminal proceedings; and
13 (G) Probation for the offense.

14 (e)(1) Official documentation by a federal, state, or local government
15 agency verifying that at the time of the ~~conviction for prostitution, § 5-70-~~
16 ~~102 offense,~~ the petitioner was a victim of human trafficking creates a
17 presumption under this section that the person's ~~prostitution~~ conviction was
18 obtained as a result of having been a victim of human trafficking at the time
19 of the offense.

20 (2) Documentation under this subsection is not required to grant
21 a petition under this section.

22 (3) Documentation under this subsection may include without
23 limitation:

24 (A) Certified records of federal or state court
25 proceedings that demonstrate that the defendant was a victim of a trafficker
26 charged with a trafficking offense under state law or the Victims of
27 Trafficking and Violence Protection Act of 2000, 22 U.S.C. § 7101 et seq., as
28 it existed on January 1, 2013; or

29 (B) Certified records of "approval notices" or "law
30 enforcement certifications" generated from federal immigration proceedings
31 available to victims of human trafficking.
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