

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

# A Bill

SENATE BILL 620

4  
5 By: Senator Irvin  
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## For An Act To Be Entitled

8  
9 AN ACT TO PROVIDE A SAFETY VALVE FOR A MINOR  
10 DEFENDANT WHO IS ALSO A VICTIM OF HUMAN TRAFFICKING;  
11 TO AMEND THE HUMAN TRAFFICKING ACT OF 2013; TO CREATE  
12 AN APPEAL RIGHT FOR A MINOR DEFENDANT WHO IS ALSO A  
13 VICTIM OF HUMAN TRAFFICKING; AND FOR OTHER PURPOSES.  
14

## Subtitle

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17 TO PROVIDE A SAFETY VALVE AND APPEAL  
18 RIGHT FOR A MINOR DEFENDANT WHO IS ALSO  
19 A VICTIM OF HUMAN TRAFFICKING; AND TO  
20 AMEND THE HUMAN TRAFFICKING ACT OF 2013.  
21

22 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
23

24 SECTION 1. Arkansas Code § 5-2-210 is amended to read as follows:

25 5-2-210. Human trafficking – Affirmative defense.

26 (a) As used in this section, “victim of trafficking of persons” means  
27 a person who has been subjected to trafficking of persons, § 5-18-103.

28 (b) It is an affirmative defense to prosecution for an offense listed  
29 ~~under subsection (c) of this section~~ a nonviolent criminal offense if at the  
30 time a person engaged in the conduct charged to constitute the offense the  
31 person was:

32 (1) A victim of trafficking of persons; and

33 (2) Engaged in the offense as a result of the trafficking of  
34 persons.

35 (c) The affirmative defense under this section may be raised only in a  
36 prosecution for ~~one (1) or more of the following offenses:~~ a nonviolent



1 criminal offense.

2 ~~(1) Forgery, § 5-37-201;~~

3 ~~(2) Defrauding a prospective adoptive parent, § 5-37-216;~~

4 ~~(3) A prostitution offense under § 5-70-101 et seq.;~~

5 ~~(4) Obscene performance at a live public show, § 5-68-305; or~~

6 ~~(5) A controlled substance offense under § 5-64-401 et seq. that~~  
 7 ~~is not a Class Y felony.~~

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 9 SECTION 2. Arkansas Code Title 5, Chapter 4, Subchapter 1, is amended  
 10 to add an additional section to read as follows:

11 5-4-110. Human trafficking – legislative intent – safety valve.

12 (a) The General Assembly intends for this section to ensure that:

13 (1) A minor victim of human trafficking who commits a crime as a  
 14 direct result of being trafficked is viewed as a victim and provided  
 15 treatment and services in the juvenile system; and

16 (2) In serious cases where a court deems a sentence in the  
 17 criminal division necessary, the court’s sentencing decision be informed by  
 18 the status of the minor as a victim of human trafficking to ensure trauma-  
 19 informed and age-appropriate accountability.

20 (b) This section applies only in cases where a person is convicted of  
 21 a violent offense and the court finds by clear and convincing evidence that  
 22 the person:

23 (1) Was seventeen (17) years of age or younger at the time of  
 24 the offense;

25 (2) Was a victim of trafficking of persons, § 5-18-103; and

26 (3) Engaged in the offense as a direct result of the trafficking  
 27 of persons, § 5-18-103.

28 (c) At sentencing the court shall consider the person’s status as a  
 29 victim of trafficking of persons and may, in the court’s discretion:

30 (1) Depart from the mandatory minimum sentence or sentence  
 31 enhancement;

32 (2) Suspend any portion of an otherwise applicable sentence and  
 33 order treatment and services be provided as an alternative to the sentence;  
 34 or

35 (3)(A) Transfer the minor to the jurisdiction of the juvenile  
 36 division of the circuit court for disposition and enter an extended juvenile

1 jurisdiction designation order under § 9-27-503.

2 (B) A circuit court that enters an extended juvenile  
3 jurisdiction designation order shall not impose an adult sentence that  
4 extends beyond the juvenile's twenty-fourth birthday.

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6 SECTION 3. Arkansas Code § 5-18-103(a) and (b), concerning the offense  
7 of trafficking of persons, are amended to read as follows:

8 (a) A person commits the offense of trafficking of persons if he or  
9 she knowingly:

10 (1) Recruits, harbors, transports, obtains, entices, solicits,  
11 isolates, provides, or maintains a person when he or she knows or reasonably  
12 should know that the person will be subjected to involuntary servitude;

13 (2) Benefits financially or benefits by receiving anything of  
14 value from participation in a venture that he or she knows or reasonably  
15 should know is engaged in conduct prohibited under subdivision (a)(1) of this  
16 section;

17 (3) Subjects a person to involuntary servitude;

18 (4) Recruits, entices, solicits, isolates, harbors, transports,  
19 provides, maintains, or obtains a minor for commercial sexual activity;

20 (5) Sells or offers to sell travel services that he or she knows  
21 or reasonably should know include an activity prohibited under subdivisions  
22 (a)(1)-(4) of this section;

23 (6) Recruits, entices, solicits, isolates, harbors, transports,  
24 provides, maintains, or obtains a pregnant woman for the purpose of causing  
25 the pregnant woman to place her unborn child for adoption by:

26 (A) The use of or threatened use of physical force;

27 (B) The physical restraint or threat of physical restraint  
28 of a person;

29 (C) Serious physical injury or threat of serious physical  
30 injury to a person;

31 (D) Abuse or threatened abuse of law or legal process;

32 (E) Any scheme, plan, or pattern that has a purpose to  
33 cause the pregnant woman to believe that, if the pregnant woman does not  
34 place the unborn child for adoption, a person would suffer serious physical  
35 injury or physical restraint; or

36 (F) Means of serious harm or threats of serious harm to a

1 person; ~~or~~

2 (7) Benefits financially or benefits by receiving anything of  
 3 value from participating in an act described under subdivision (a)(6) of this  
 4 section; or

5 (8) Recruits, entices, solicits, isolates, harbors, transports,  
 6 provides, maintains, or obtains a minor for the purpose of causing the minor  
 7 to join or remain in a criminal organization or engage in a violation of  
 8 criminal law by:

9 (A) The use or threatened use of physical force;

10 (B) The causing of serious physical harm to another  
 11 person;

12 (C) The threat of causing serious physical harm to another  
 13 person;

14 (D) Coercion, duress, or menace; or

15 (F) Any scheme, plan, or pattern that has a purpose to  
 16 cause a minor to believe that, if the minor does not join or remain in the  
 17 criminal organization or engage in a violation of criminal law, another  
 18 person would suffer serious harm.

19 (b) It is not a defense to prosecution under ~~subdivision~~ subdivisions  
 20 (a)(4) and (a)(8) of this section that the actor:

21 (1) Did not have knowledge of a victim's age; or

22 (2) Mistakenly believed a victim was not a minor.

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24 SECTION 4. Arkansas Code § 9-27-318, concerning the transfer of a case  
 25 in the juvenile division of circuit court to the criminal division of circuit  
 26 court, is amended to add an additional subsection to read as follows:

27 (n) If the court finds by clear and convincing evidence that the  
 28 person against whom the juvenile is accused of committing a criminal offense  
 29 trafficked, raped, or sexually assaulted the juvenile prior to or during the  
 30 commission of the offense, the circuit court:

31 (1) Shall impose a juvenile disposition; and

32 (2) May enter an extended juvenile jurisdiction designation  
 33 order under § 9-27-503 but shall not impose an adult sentence that extends  
 34 beyond the juvenile's twenty-fourth birthday.

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