

1 **State of Arkansas**
2 **80th General Assembly**
3 **Regular Session, 1995**
4 **By: Representative Pollan**

A Bill

ACT 525 OF 1995
HOUSE BILL 1513

For An Act To Be Entitled

8 "AN ACT TO AMEND ARKANSAS CODE ANNOTATED 5-14-101
9 REGARDING THE DEFINITIONS OF _DEVIATE SEXUAL ACTIVITY,
10 _MENTALLY DEFECTIVE, _ AND _SEXUAL INTERCOURSE_; AND FOR
11 OTHER PURPOSES."

Subtitle

14 "TO AMEND DEFINITIONS OF _DEVIATE SEXUAL
15 ACTIVITY, _ MENTALLY DEFECTIVE, _ AND
16 _SEXUAL INTERCOURSE_

18 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

20 SECTION 1. Arkansas Code Annotated 5-14-101 is amended to read as
21 follows:

22 "5-14-101. Definitions.

23 As used in this chapter, unless the context otherwise requires:

24 (1) _Deviate sexual activity_ means any act of sexual gratification
25 involving:

26 (A) The penetration, however slight, of the anus or mouth of one
27 person by the penis of another person; or

28 (B) The penetration, however slight, of the labia majora or anus
29 of one person by any body member or foreign instrument manipulated by another
30 person;

31 (2) _Forcible compulsion_ means physical force or a threat, express or
32 implied, of death or physical injury to or kidnapping of any person;

33 (3) _Mentally defective_ means that a person suffers from a mental
34 disease or defect, which renders him incapable of understanding the nature and
35 consequences of sexual acts. A determination that a person is mentally
36 defective shall not be based solely on his IQ;

1 (4) Mentally incapacitated means that a person is temporarily
2 incapable of appreciating or controlling his conduct as a result of the
3 influence of a controlled or intoxicating substance administered to him
4 without his consent;

5 (5) Physically helpless means that a person is unconscious or is
6 physically unable to communicate lack of consent;

7 (6) Public place means a publicly or privately owned place to which
8 the public or substantial numbers of people have access;

9 (7) Public view means observable or likely to be observed by a person
10 in a public place;

11 (8) Sexual contact means any act of sexual gratification involving
12 the touching, directly or through clothing, of the sex organs, or buttocks, or
13 anus of a person or the breast of a female;

14 (9) Sexual intercourse means penetration, however slight, of the
15 labia majora by a penis;

16 (10) Guardian means a parent, stepparent, legal guardian, legal
17 custodian, foster parent, or anyone who, by virtue of a living arrangement, is
18 placed in an apparent position of power or authority over a minor."

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20 SECTION 2. All provisions of this act of a general and permanent nature
21 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code
22 Revision Commission shall incorporate the same in the Code.

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24 SECTION 3. If any provision of this act or the application thereof to
25 any person or circumstance is held invalid, such invalidity shall not affect
26 other provisions or applications of the act which can be given effect without
27 the invalid provision or application, and to this end the provisions of this
28 act are declared to be severable.

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30 SECTION 4. All laws and parts of laws in conflict with this act are
31 hereby repealed.

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APPROVED: 3-6-95

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