

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

1 State of Arkansas  
2 83rd General Assembly  
3 Regular Session, 2001  
4

As Engrossed: H3/21/01

# A Bill

Act 1821 of 2001  
HOUSE BILL 2386

5 By: Representatives J. Elliott, Hutchinson, Carson, *White, Jackson, T. Steele, Shoffner, Salmon, Green,*  
6 *Roebuck, Goss, Napper, Borhauer*

7 By: *Senators DeLay, Mahony*  
8  
9

## For An Act To Be Entitled

11 AN ACT TO AMEND ARKANSAS CODE 5-14-110 AND 5-14-  
12 112 TO CREATE THE OFFENSE OF SEXUAL INDECENCY  
13 WITH A CHILD AND REMOVE THE OFFENSE OF INDECENT  
14 EXPOSURE TO A PERSON UNDER TWELVE YEARS OF AGE;  
15 AND FOR OTHER PURPOSES.  
16

## Subtitle

18 AN ACT TO AMEND ARKANSAS CODE 5-14-110  
19 AND 5-14-112 TO CREATE THE OFFENSE OF  
20 SEXUAL INDECENCY WITH A CHILD AND REMOVE  
21 THE OFFENSE OF INDECENT EXPOSURE TO A  
22 PERSON UNDER TWELVE YEARS OF AGE.  
23  
24

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

27 SECTION 1. Arkansas Code 5-14-110 is amended to read as follows:  
28 5-14-110. Sexual ~~solicitation of~~ indecency with a child.

29 (a) A person commits sexual ~~solicitation of~~ indecency with a child  
30 if:

31 (1) being ~~Being~~ eighteen (18) years old or older, ~~he~~ the person  
32 solicits any another person not his spouse who is less than ~~fourteen~~  
33 ~~(14)~~ fifteen (15) years old of age, or who is represented to be less than  
34 fifteen (15) years of age to engage in sexual intercourse, deviate sexual  
35 activity, or sexual contact; ~~or~~

36 (2)(A) With the purpose to arouse or gratify the sexual desires

1 of the person, or any other person, the person purposefully exposes the  
2 person's sex organs to another person who is less than *fifteen (15)* years of  
3 age.

4 (B) It is an affirmative defense if the person is within  
5 three (3) years of age of the victim.

6 (b) Sexual ~~solicitation of~~ indecentcy with a child is a Class D felony.

8 SECTION 2. Arkansas Code 5-14-112 is amended to read as follows:

9 5-14-112. Indecent exposure.

10 (a)~~(1)~~ A person commits indecent exposure if, with purpose to arouse  
11 or gratify the sexual desire of himself ~~the person~~ or of any other person, ~~he~~  
12 the person exposes his or her sex organs:

13 ~~(A)(1)~~ In a public place or public view; or

14 ~~(B)(2)~~ Under circumstances in which ~~he~~ the person knows  
15 ~~his~~ the conduct is likely to cause affront or alarm.

16 ~~(2)(b)~~ Indecent exposure is a Class A misdemeanor.

17 ~~(b)(1) A person commits indecent exposure to a person under the age of~~  
18 ~~twelve (12) years if, with the purpose to arouse or gratify the sexual desire~~  
19 ~~of himself or of any other person he purposefully exposes his sex organs to a~~  
20 ~~person under the age of twelve (12) years.~~

21 ~~(2) Indecent exposure to a person the age of twelve (12) years~~  
22 ~~and under is a Class D felony.~~

26 /s/ J. Elliott, et al.

29 APPROVED: 4/18/2001