

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 84th General Assembly
3 Regular Session, 2003
4

As Engrossed: H3/13/03 H3/31/03

A Bill

Act 1391 of 2003
HOUSE BILL 1934

5 By: Representative Adams
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For An Act To Be Entitled

9 AN ACT TO REMOVE THE AFFIRMATIVE *DEFENSE* FROM
10 SEXUAL ASSAULT IN THE FIRST DEGREE THAT THE
11 OFFENDER WAS NOT MORE THAN THREE YEARS OLDER THAN
12 THE VICTIM; AND FOR OTHER PURPOSES.
13

Subtitle

14 AN ACT TO REMOVE THE AFFIRMATIVE *DEFENSE*
15 FROM SEXUAL ASSAULT IN THE FIRST DEGREE
16 THAT THE OFFENDER WAS NOT MORE THAN
17 THREE YEARS OLDER THAN THE VICTIM.
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21 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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23 SECTION 1. Arkansas Code § 5-14-124 is amended to read as follows:
24 5-14-124. Sexual assault in the first degree.

25 (a) A person commits sexual assault in the first degree if the person
26 engages in sexual intercourse or deviate sexual activity with another person,
27 not the person's spouse, who is less than eighteen (18) years of age and the
28 person:

29 (1) Is employed with the Department of Correction, Department of
30 Community Punishment, Department of Human Services, any city or county jail
31 or juvenile detention facility, and the victim is in the custody of the
32 Department of Correction, Department of Community Punishment, Department of
33 Human Services, any city or county jail, or juvenile detention facility, or
34 their contractors or agents;

35 (2) Is a professional under § 12-12-507(b) and is in a position
36 of trust or authority over the victim and uses the position to engage in



1 sexual intercourse or deviate sexual activity; or

2 (3) Is the victim's guardian, an employee in the victim's school
3 or school district, a temporary caretaker, or a person in a position of trust
4 or authority over the victim.

5 (b) It is no defense to prosecution under this section that the victim
6 consented to the conduct.

7 (c) *It is an affirmative defense to prosecution under subdivision*
8 *(a)(3) of this section that the person was not more than three (3) years*
9 *older than the victim.*

10 (d) Sexual assault in the first degree is a Class A felony.

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12 /s/ Adams

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APPROVED: 4/15/2003

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