

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: S4/3/03 S4/7/03

A Bill

Act 1720 of 2003
SENATE BILL 691

5 By: Senator Critcher
6
7

For An Act To Be Entitled

9 AN ACT TO EXPAND THE ARKANSAS SCHOOL CHILDREN
10 PROTECTION ACT; TO AMEND THE OFFENSE OF SEXUAL
11 ASSAULT IN THE SECOND DEGREE TO INCLUDE CERTAIN
12 SEXUAL CONTACT BY A PUBLIC SCHOOL TEACHER WITH A
13 STUDENT; AND FOR OTHER PURPOSES.
14

Subtitle

15 AN ACT TO EXPAND THE ARKANSAS SCHOOL
16 CHILDREN PROTECTION ACT; AND TO AMEND
17 THE OFFENSE OF SEXUAL ASSAULT IN THE
18 SECOND DEGREE.
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21

22 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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24 SECTION 1. Arkansas Code § 6-17-116 is amended to read as follows:
25 6-17-116. Protection from sex offenders.

26 (a) This section shall be known and may be cited as "The Arkansas
27 School Children Protection Act."

28 (b) For purposes of this section:

29 (1) A sexual offense is one described in § 5-14-101 et seq.; and

30 (2) "Conviction" means having pled guilty or nolo contendere to
31 or having been found guilty of committing a sexual offense against a minor or
32 student.

33 (c)(1) Any public school district employee who commits a sexual
34 offense against a minor shall upon conviction be dismissed from employment
35 and shall not thereafter be eligible for employment by any school in this
36 state.



1 (2) Any public school teacher who commits a sexual offense under
2 § 5-14-125(a)(5) shall upon conviction be dismissed from employment and shall
3 not thereafter be eligible for employment by any school in this state.
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5 SECTION 2. Arkansas Code § 5-14-125 is amended to read as follows:

6 5-14-125. Sexual assault in the second degree.

7 (a) A person commits sexual assault in the second degree if the
8 person:

9 (1) Engages in sexual contact with the sex organs of another
10 person by forcible compulsion; or

11 (2) Engages in sexual contact of genitalia with another person
12 who is incapable of consent because the person is physically helpless,
13 mentally defective, or mentally incapacitated;

14 (3) Being eighteen (18) years of age or older, engages in sexual
15 contact with the sex organs of another person, not the person's spouse, who
16 is less than fourteen (14) years of age; ~~or~~

17 (4)(A) Engages in sexual contact with another person who is less
18 than eighteen (18) years of age and the person:

19 (i) Is employed with the Department of Correction,
20 Department of Community Punishment, any city or county jail, or any juvenile
21 detention facility, and the minor is in custody at a facility operated by the
22 agency or contractor employing the person;

23 (ii) Is a professional under § 12-12-507(b) or is in
24 a position of trust or authority over the minor; or

25 (iii) Is the minor's guardian, an employee in the
26 minor's school or school district, or a temporary caretaker.

27 (B) For purposes of subdivision (a) (4) (A) of this
28 section, consent of the minor is not a defense to prosecution; or

29 (5) Is a teacher in a public school in grades kindergarten
30 through twelve (K-12) and engages in sexual contact with another person who is
31 a student enrolled in the school and who is less than twenty-one (21) years
32 of age.

33 (b) Sexual assault in the second degree is a Class B felony.

34 /s/ Critcher
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APPROVED: 4/22/2003

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