Stricken language would be deleted from and underlined language would be added to present law. Act 1114 of the Regular Session

1	State of Arkansas	As Engrossed:	$\operatorname{ABill}^{{}_{{}_{{}_{{}_{{}_{{}_{{}_{{}_{{}_{{$		
2	89th General Assembly			HOUSE BILL 1973	
3	Regular Session, 2013			HOUSE BILL 1975	
4 5	By: Representative D. Dou	glas			
6	By: Senator Hester	-			
7					
8	For An Act To Be Entitled				
9	AN ACT TO CREATE THE OFFENSE OF SEXUAL GROOMING OF A				
10	CHILD; TO REQUIRE REGISTRATION WITH THE SEX OFFENDER				
11	REGISTRY UPON CONVICTION OF SEXUAL GROOMING OF A				
12	CHILD; CONCERNING UNLAWFUL SEXUAL OFFENSES AGAINST A				
13	CHILD; AND FOR OTHER PURPOSES.				
14					
15					
16	Subtitle				
17	TO CREATE THE OFFENSE OF SEXUAL GROOMING				
18	OF A CHILD; TO REQUIRE REGISTRATION WITH				
19	THE SEX OFFENDER REGISTRY UPON CONVICTION				
20	OF SEXUAL GROOMING OF A CHILD; AND				
21	CONCERNING UNLAWFUL SEXUAL OFFENSES				
22	AGA	AINST A CHILD.			
23					
24					
25	BE IT ENACTED BY THE	GENERAL ASSEMBLY	OF THE STATE OF AR	KANSAS:	
26					
27	SECTION 1. AI	ckansas Code § 5-2	7-302(5), concernin	g the definition of	
28	"visual or print medium", is amended to read as follows:				
29	(5) "Visual or print medium" means any film, photograph, negative,				
30	slide, book, magazine, <u>magnetic image, electronic image,</u> or other visual or				
31	print medium other than material specifically used by a licensed medical				
32	professional or mental health professional, or both, for the purpose of				
33	assessment, evaluati	ion, and treatment	of a sex offender.		
34					
35	SECTION 2. Arkansas Code Title 5, Chapter 27, Subchapter 3, is amended				
36	to add a new section	n to read as follo	WS:		



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1	5-27-307. Sexually grooming a child.			
2	(a) As used in this section "disseminates" means to allow to view,			
3	expose, furnish, present, sell, or otherwise distribute.			
4	(b) A person commits sexually grooming a child if he or she knowingly			
5	disseminates to a child thirteen (13) years of age or younger with or without			
6	consideration a visual or print medium depicting sexually explicit conduct			
7	with the purpose to entice, induce, or groom the child thirteen (13) years of			
8	age or younger to engage in the following with a person:			
9	(1) Sexual intercourse;			
10	(2) Sexually explicit conduct; or			
11	(3) Deviate sexual activity.			
12	(c) Sexually grooming a child is a:			
13	(1) Class D felony if the actor is twenty-one (21) years of age			
14	<u>or older; or</u>			
15	(2) Class A misdemeanor if the actor is younger than twenty-one			
16	(21) years of age.			
17	(d) It is an affirmative defense to prosecution under this section			
18	that the actor was not more than three (3) years older than the victim.			
19	(e) It is not a defense to prosecution under this section that the			
20	actor does not know the age of the child or believes the child is fourteen			
21	<u>(14) years of age or older.</u>			
22				
23	SECTION 3. Arkansas Code § 12-12-903(12)(A)(i), concerning the			
24	definition of "sex offense", is amended to add a new subdivision to read as			
25	follows:			
26	(bb) Sexually grooming a child, § 5-27-307;			
27				
28	/s/D. Douglas			
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31	APPROVED: 04/11/2013			
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