

**ARKANSAS SENATE**  
84th General Assembly - Regular Session, 2003  
**Amendment Form**

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**Subtitle of Senate Bill No. 691**

"AN ACT TO EXPAND THE ARKANSAS SCHOOL CHILDREN PROTECTION ACT TO  
INCLUDE SEXUAL CONTACT WITH A STUDENT THAT DOES NOT VIOLATE THE  
ARKANSAS CRIMINAL CODE."

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**Amendment No. 2 to Senate Bill No. 691.**

Amend Senate Bill No. 691 as engrossed, S4/3/03:

Page 1, delete lines 10, 11, and 12 and substitute the following:  
"PROTECTION ACT; TO AMEND THE OFFENSE OF SEXUAL ASSAULT IN THE SECOND DEGREE  
TO INCLUDE CERTAIN SEXUAL CONTACT BY A PUBLIC SCHOOL TEACHER WITH A STUDENT;  
AND FOR OTHER PURPOSES."

AND

Page 1, delete lines 16, 17, and 18 and substitute the following:  
"CHILDREN PROTECTION ACT; AND TO AMEND THE OFFENSE OF SEXUAL ASSAULT IN THE  
SECOND DEGREE."

AND

Delete everything after the enacting clause and substitute the following:

"SECTION 1. Arkansas Code § 6-17-116 is amended to read as follows:  
6-17-116. Protection from sex offenders.

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

(b) For purposes of this section:

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

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

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

(2) Any public school teacher who commits a sexual offense under  
§ 5-14-125(a)(5) shall upon conviction be dismissed from employment and shall  
not thereafter be eligible for employment by any school in this state.



SECTION 2. Arkansas Code § 5-14-125 is amended to read as follows:  
5-14-125. Sexual assault in the second degree.

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

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

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

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

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

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

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

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

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

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

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

The Amendment was read the first time, rules suspended and read the second time and \_\_\_\_\_

By: Senator Critcher  
JDF/CDS - 040320031525  
CDS502

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Secretary