



Arkansas
Sentencing
Commission

**Impact Assessment for HB1986
Sponsored by Representative Ballinger**

Subtitle CONCERNING THE OFFENSE OF INDECENT EXPOSURE.

Impact Summary¹ Minimal, affecting fewer than ten offenders per year.

Change from current law² Creates a new course of conduct by which a person can commit the offense of Indecent exposure, Arkansas Code Annotated § 5-14-112, and amends the intent requirement of the existing course of conduct. Under the law as currently written, a person commits indecent exposure if, with the purpose to arouse or gratify a sexual desire of himself or herself or of any other person, the person exposes his or her sex organs in a public place, in public view, or under circumstances in which the person knows the conduct is likely to cause affront or alarm. Under the proposed bill, the offender does not have to *know* that the conduct is likely to cause affront or alarm, but rather *could reasonably believe* that the conduct is likely to cause affront or alarm.

The proposed bill also adds a new course of conduct by which a person can commit the offense of Indecent exposure. Under the proposed bill, a person commits the offense of indecent exposure if the person knowingly exposes his or her sex organs to a person of the opposite biological sex in a public place or public view or under circumstances in which the person could reasonably believe the conduct is likely to cause affront or alarm.

The penalty provision remains unchanged under the proposed bill. A violation of A.C.A. § 5-14-112 is a Class A misdemeanor except for subsequent offenses. A fourth or fifth conviction within ten (10) years of a previous conviction constitutes a Class D felony. A sixth or subsequent conviction within ten (10) years of a previous conviction constitutes a Class C felony.

Impact Information

Because this proposed bill creates a new course of conduct for committing this offense, data is unavailable as to the likely number of convictions per year. However, due to the small number of convictions for prohibited conduct under current law, the projected impact is minimal.

¹ This impact assessment was prepared (3/9/2017, 8:20 a.m.) by the staff of the Arkansas Sentencing Commission pursuant to A. C. A. § 16-90-802(d)(6) with data supplied by the Arkansas Department of Correction and the Administrative Office of the Courts. A micro-simulation model may be used for bills which have the potential for significant impact on correctional resources. The following designations will be used: “minimal” = less than 10 offenders per year will be affected; “medium” = would require budgetary increases for ADC inmate costs; and “major” = would require budgetary increases for ADC inmate costs and construction costs for additional beds.

² Standard punishment ranges:

Class Y	10-40 years or life	Class C	3-10 years; up to \$10,000	Class A	Up to 1 year; up to \$2,500
Class A	6-30 years; up to \$15,000	Class D	0-6 years; up to \$10,000	Class B	Up to 90 days; up to \$1,000
Class B	5-20 years; up to \$15,000	Unclassified	As specified in statute	Class C	Up to 30 days; up to \$500

The Administrative Office of the Courts reports that for the three (3) year period beginning January 1, 2013, and ending December 31, 2015, there were seven (7) convictions for a violation of A.C.A. § 5-14-112, Indecent exposure, Class D felony, as currently written. There were no convictions during this three (3) year period for a violation of A.C.A. § 5-14-112, Indecent exposure, Class C felony.

The Arkansas Department of Correction reports that as of March 7, 2017, there are two (2) inmates serving a sentence for A.C.A. § 5-14-112, Indecent exposure, Class D felony, as currently written.