

INTERIM STUDY PROPOSAL 2019-057

1 State of Arkansas  
2 92nd General Assembly  
3 Regular Session, 2019

# A Bill

SENATE BILL 610

4 By: Senators Irvin, G. Leding

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7 Filed with: Senate Committee on Judiciary  
8 pursuant to A.C.A. §10-3-217.

## For An Act To Be Entitled

9 AN ACT TO BE KNOWN AS "SARA'S LAW"; CONCERNING THE  
10 SENTENCING OF A JUVENILE; AND FOR OTHER PURPOSES.  
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### Subtitle

13 TO BE KNOWN AS "SARA'S LAW"; CONCERNING  
14 THE SENTENCING OF A JUVENILE.  
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19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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21 SECTION 1. DO NOT CODIFY. Legislative findings.

22 The General Assembly finds that:

23 (1) In the United States, child protective services estimates  
24 that sixty-three thousands (63,000) children are sexually abused each year;

25 (2) In the United States, one (1) in nine (9) girls and one (1)  
26 in fifty-three (53) boys under eighteen (18) years of age experience sexual  
27 abuse or assault at the hands of an adult, ninety-three percent (93%) of  
28 which is committed by an individual that the child knows;

29 (3) The National Center for Missing and Exploited Children has  
30 estimated that approximately one hundred thousand (100,000) children in the  
31 United States are victims of commercial sexual exploitation every year;

32 (4) Children who are victims of sexual assault are four (4)  
33 times more likely to become addicted to drugs, four (4) times as likely to  
34 experience post-traumatic stress disorder as a child who was not a victim of  
35 sexual assault, and three (3) times more likely to experience a major  
36 depressive episode;

1           (5) Child abusers and child traffickers often make their victims  
2 undergo prolonged stages of grooming, which include:

- 3                   (A) Targeting the child;
- 4                   (B) Gaining the child's trust;
- 5                   (C) Filling a need;
- 6                   (D) Isolating the child;
- 7                   (E) Sexualizing the relationship; and
- 8                   (F) Maintaining control;

9           (6) Children who commit crimes against persons who have  
10 previously sexually abused them or subjected them to child trafficking should  
11 not be subject to lengthy prison sentences, but instead should be treated as  
12 victims and be provided with expanded treatment and services;

13           (7) Judges should have greater flexibility in cases involving a  
14 child sex trafficking victim or child sex abuse victim when the victim  
15 commits a crime against the victim's abuser so that a more just solution can  
16 be found; and

17           (8) The intent of this act is to prevent future injustices of  
18 child sex trafficking victims receiving extreme punishments for crimes  
19 committed against their abusers.

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21       SECTION 2. DO NOT CODIFY. Title.

22       This act shall be known and cited as "Sara's Law".

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24       SECTION 3. Arkansas Code Title 16, Chapter 90, Subchapter 1, is  
25 amended to add an additional section to read as follows:

26       16-90-124. Minor victims – Acts against abusers.

27       (a) As used in this section, "mandatory minimum" means the minimum  
28 number of years of imprisonment a person is required to serve based on the  
29 felony or misdemeanor classification of the offense.

30       (b) If a minor is convicted as an adult for an offense that the minor  
31 committed while he or she was less than eighteen (18) years of age and the  
32 court finds by clear and convincing evidence that the person against whom the  
33 minor was convicted of committing the offense trafficked the minor or  
34 sexually abused or sexually assaulted the minor within one (1) year before  
35 the commission of the offense, the court may:

- 1                   (1) Depart from any mandatory minimum sentence or sentence
- 2 enhancement;
- 3                   (2) Suspend any portion of an otherwise applicable sentence; or
- 4                   (3) Transfer the minor to the jurisdiction of the juvenile
- 5 division of circuit court for further proceedings.

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8 Referred requested by the Arkansas Senate

9 Prepared by: BPG/VJF

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