

Stricken language would be deleted from present law. Underlined language would be added to present law.

1 State of Arkansas  
2 81st General Assembly  
3 Regular Session, 1997

# A Bill

HOUSE BILL 2085

4  
5 By: Representative Ferrell

## For An Act To Be Entitled

9 "AN ACT TO CREATE THE CRIMINAL OFFENSE OF THE UNLAWFUL  
10 FONDLING OF A CHILD; AND FOR OTHER PURPOSES."

### Subtitle

13 "AN ACT TO CREATE THE CRIMINAL OFFENSE  
14 OF THE UNLAWFUL FONDLING OF A CHILD"

16 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

18 SECTION 1. (a) A person commits unlawful fondling of a child if he or  
19 she engages:

20 (1) in conduct that results in the direct contact of his or her  
21 sex organs with the sex organs of another person not his spouse who is under  
22 the age of fourteen (14); or

23 (2) in conduct that results in the direct contact of his or her  
24 sex organs with the sex organs of another person who is under the age of  
25 sixteen (16) by forcible compulsion; or

26 (3) in oral sex with another person who is under the age of  
27 fourteen (14); or

28 (4) in oral sex with another person who is under the age of  
29 sixteen (16) by forcible compulsion.

30 (b) It is an affirmative defense to prosecution under this subdivision  
31 that the actor was not more than two (2) years older than the victim.

32 (c) For purposes of this statute, "sex organs" means the penis, scrotum  
33 and/or testicles of a male; or the vulva and/or labia of a female.

34 (d) "Oral sex" shall mean touching the vulva or labia of a female or  
35 penis, scrotum, or testicles of a male with the mouth or tongue of another  
36 person.

1       (e) The unlawful fondling of a child is a Class A felony.

2

3           SECTION 2. All provisions of this act of a general and permanent nature  
4 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code  
5 Revision Commission shall incorporate the same in the Code.

6

7           SECTION 3. If any provision of this act or the application thereof to  
8 any person or circumstance is held invalid, such invalidity shall not affect  
9 other provisions or applications of the act which can be given effect without  
10 the invalid provision or application, and to this end the provisions of this  
11 act are declared to be severable.

12

13           SECTION 4. All laws and parts of laws in conflict with this act are  
14 hereby repealed.

15

16

17

18

19

20

21

22

23

24

25

26

27

28

29

30

31

32

33

34

35