

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

1 State of Arkansas
2 84th General Assembly
3 Regular Session, 2003
4

A Bill

HOUSE BILL 1935

5 By: Representative Adams
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For An Act To Be Entitled

9 AN ACT TO EXPAND THE OFFENSE OF SEXUAL ASSAULT IN
10 THE SECOND DEGREE TO INCLUDE A PERSON LESS THAN
11 EIGHTEEN (18) YEARS OLD WHO ENGAGES IN SEXUAL
12 CONTACT WITH A PERSON NOT THE PERSON'S SPOUSE WHO
13 IS LESS THAN FOURTEEN (14) YEARS OLD; AND FOR
14 OTHER PURPOSES.

Subtitle

15
16 AN ACT TO EXPAND THE OFFENSE OF SEXUAL
17 ASSAULT IN THE SECOND DEGREE TO INCLUDE
18 A PERSON LESS THAN EIGHTEEN (18) YEARS
19 OLD WHO ENGAGES IN SEXUAL CONTACT WITH A
20 PERSON NOT THE PERSON'S SPOUSE WHO IS
21 LESS THAN FOURTEEN (14) YEARS OLD.
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25 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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27 SECTION 1. Arkansas Code § 5-14-125 is amended to read as follow:
28 5-14-125. Sexual assault in the second degree.

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

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

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

36 (3) Being eighteen (18) years of age or older, engages in sexual



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1 contact with ~~the sex organs of~~ another person, not the person's spouse, who
2 is less than fourteen (14) years of age; ~~or~~

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

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

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

11 (iii) Is the minor's guardian, an employee in the
12 minor's school or school district, ~~or a temporary caretaker~~ or a person in a
13 position of trust or authority over the minor.

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

16 (5)(A) Being less than eighteen (18) years old, the person
17 engages in sexual contact with a person not the person's spouse who is less
18 than fourteen (14) years old.

19 (B) It is an affirmative defense to prosecution under this
20 subdivision (a)(5) that the person was not more than three (3) years older
21 than the victim.

22 (b)(1) Sexual assault in the second degree is a Class B felony.

23 (2) Sexual assault in the second degree is a Class D felony if
24 committed by a person less than eighteen (18) years of age with a person not
25 the person's spouse who is less than fourteen (14) years of age.

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