

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

*As Engrossed: S3/31/03*

# A Bill

HOUSE BILL 1937

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 THIRD DEGREE TO INCLUDE A PERSON UNDER  
11 EIGHTEEN (18) YEARS OF AGE WHO ENGAGES IN SEXUAL  
12 INTERCOURSE WITH A PERSON NOT THE PERSON'S SPOUSE  
13 WHO IS LESS THAN FOURTEEN (14) YEARS OF AGE; AND  
14 FOR OTHER PURPOSES.

## Subtitle

15  
16 TO EXPAND THE OFFENSE OF SEXUAL ASSAULT  
17 IN THE THIRD DEGREE.  
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21 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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23 SECTION 1. Arkansas Code § 5-14-126 is amended to read as follows:  
24 5-14-126. Sexual assault in the third degree.

25 (a) A person commits sexual assault in the third degree if the person  
26 engages in sexual intercourse or deviate sexual activity with another person,  
27 not the person's spouse, and the person:

28 (1) Is employed with the Department of Correction, Department of  
29 Community Punishment, Department of Human Services, or any city or county  
30 jail, and the victim is in the custody of the Department of Correction,  
31 Department of Community Punishment, Department of Human Services, or any city  
32 or county jail; or

33 (2) Is a professional under § 12-12-507(b), or a member of the  
34 clergy, and is in a position of trust or authority over the victim and uses  
35 the position to engage in sexual intercourse or deviate sexual activity.

36 (b) It is no defense to prosecution under this section that the victim



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1 consented to the conduct.

2 (c)(1) A person commits sexual assault in the third degree if the  
3 person being under eighteen (18) years of age, engages in sexual intercourse  
4 or deviate sexual activity with another person not *the person's* spouse who is  
5 less than fourteen (14) years of age.

6 (2) It is an affirmative defense under subsection (c) that the  
7 person was not more than three (3) years older than the victim.

8 ~~(e)~~(d) Sexual assault in the third degree is a Class C felony.

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10 /s/ Adams  
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