

Stricken language would be deleted from and underlined language would be added to present law.

1 State of Arkansas *As Engrossed: H3/8/13 H3/20/13*

2 89th General Assembly

# A Bill

3 Regular Session, 2013

HOUSE BILL 1581

4

5 By: Representatives Leding, D. Meeks

6 *By: Senators Rapert, Elliott, Irvin*

7

8

## For An Act To Be Entitled

9 AN ACT CONCERNING VICTIMS OF THE OFFENSE OF HUMAN  
10 TRAFFICKING; CONCERNING POSTING A NOTICE OF THE  
11 NATIONAL HUMAN TRAFFICKING RESOURCE CENTER HOTLINE;  
12 TO PROVIDE FOR THE EXPUNGEMENT OF CERTAIN CRIMINAL  
13 CONVICTIONS; AND FOR OTHER PURPOSES.

14

15

16

## Subtitle

17

18

19

20

21

22

23

24

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

26

27 SECTION 1. Arkansas Code Title 3, Chapter 9, Subchapter 2, is amended  
28 to add a new section to read as follows:

29 3-9-241. Private clubs - Posting information about the National Human  
30 Trafficking Resource Center Hotline.

31 An entity governed by this subchapter shall post information about the  
32 National Human Trafficking Resource Center Hotline as required under § 12-19-  
33 102.

34

35 SECTION 2. Arkansas Code § 5-5-201(a), concerning crimes for which the  
36 state may forfeit certain conveyances, is amended to read as follows:



1 (a) Upon conviction, any conveyance, including an aircraft, motor  
2 vehicle, or vessel, ~~that is subject to forfeiture under this subchapter if it~~  
3 ~~is used in the commission or attempt of: a burglary, robbery, theft, or~~  
4 ~~arson, or an attempt to commit a burglary, robbery, theft, or arson, is~~  
5 ~~subject subject to forfeiture as provided in this subchapter.~~

6 (1) A burglary;

7 (2) A robbery;

8 (3) A theft;

9 (4) An arson; or

10 (5) Trafficking of persons, § 5-18-103.

11  
12 SECTION 3. Arkansas Code § 5-5-202(b)(2), concerning the seizure of  
13 conveyances, is amended to read as follows:

14 (2) Any law enforcement agent has probable cause to believe that the  
15 conveyance was used in the commission or attempt of ~~a burglary, robbery,~~  
16 ~~theft, or arson, or an attempt to commit a burglary, robbery, theft, or~~  
17 ~~arson.;~~

18 (A) A burglary;

19 (B) A robbery;

20 (C) A theft;

21 (D) An arson; or

22 (E) Trafficking of persons, § 5-18-103.

23  
24 SECTION 4. Arkansas Code § 5-70-103(a)(1), concerning the elements of  
25 the criminal offense of sexual solicitation, is amended to read as follows:

26 (1) Offers or agrees to pay a fee to a person to engage in  
27 sexual activity with him or her or another person; or

28  
29 SECTION 5. Arkansas Code Title 12, Chapter 19, as amended by Acts  
30 2013, No. 132, is amended to add two new sections to read as follows:

31 12-19-102. Posting information about the National Human Trafficking  
32 Resource Center Hotline.

33 (a) The following establishments shall post in a conspicuous place  
34 near the entrance of the establishment, or where posters and notices of this  
35 type customarily are posted, a poster described in subsection (b) of this  
36 section measuring at least eight and one-half inches by eleven inches (8 1/2"

1 x 11") in size:

2 (1) A hotel, motel, or other establishment that has been cited  
3 as a public nuisance for prostitution under § 20-27-401;

4 (2) A strip club or other sexually oriented business;

5 (3) A private club that has a liquor permit for on-premises  
6 consumption and does not hold itself out to be a food service establishment;

7 (4) An airport;

8 (5) A train station that serves passengers;

9 (6) A bus station; and

10 (7) A privately owned and operated facility that provides food,  
11 fuel, shower or other sanitary facilities, and overnight parking.

12 (b)(1) The poster shall read:

13 "If you or someone you know is being forced to engage in any activity  
14 and cannot leave – whether it is commercial sex, housework, farm work, or any  
15 other activity – call the National Human Trafficking Resource Center Hotline  
16 at 1-888-373-7888 to access help and services. Victims of human trafficking  
17 are protected under United States and Arkansas state law.

18 The Hotline is:

- 19 • Available 24 hours a day, 7 days a week
- 20 • Toll-free
- 21 • Operated by a non-profit, non-governmental organization
- 22 • Anonymous and confidential
- 23 • Accessible in 170 languages
- 24 • Able to provide help, referral to services, training, and general  
25 information"

26 (2) The poster shall be printed in English, Spanish, and any  
27 other language mandated by the Voting Rights Act of 1965, 42 U.S.C. § 1973,  
28 as it existed on January 1, 2013, in the county where the poster will be  
29 posted.

30 (c) The poster shall be available on the websites of all of the  
31 following:

32 (1) The Alcoholic Beverage Control Board where documents  
33 associated with obtaining a liquor license or alcoholic beverage license are  
34 customarily located;

35 (2) The Department of Labor; and

36 (3) The Arkansas State Highway and Transportation Department.

1 (d)(1) To obtain a copy of the poster required to be posted under this  
2 section, the owners or operators of an establishment required to post the  
3 notice under this section shall:

4 (A) Print the poster from any of the Internet websites in  
5 subsection (c) of this section; or

6 (B) Request that the poster be mailed for the cost of  
7 printing and first-class postage.

8 (2) The owner or operator shall post the sign in compliance with  
9 subsection (a) of this section.

10 (e)(1) If the regulatory agency that licenses or permits an  
11 establishment under this section finds that the establishment has failed to  
12 post the information required under this section, the owner or operator shall  
13 receive:

14 (A) For a first violation, a warning; and

15 (B) For a second or subsequent violation, a fine not to  
16 exceed five hundred dollars (\$500).

17 (2) The violation of or noncompliance with this section, and  
18 each day's continuance thereof, shall constitute a separate and distinct  
19 violation.

20 (f) The civil fines in subsection (e) of this section do not apply to  
21 establishments that are owned or operated by the State of Arkansas.

22  
23 12-19-103. Development of a state plan.

24 The Department of Human Services shall develop a state protocol for  
25 assisting victims of human trafficking with applying for federal and state  
26 benefits and services to which they may be entitled.

27  
28 SECTION 6. Arkansas Code Title 14, Chapter 1, Subchapter 3, is amended  
29 to add a new section to read as follows:

30 14-1-308. Posting information about the National Human Trafficking  
31 Resource Center Hotline.

32 An entity governed by this subchapter shall post information about the  
33 National Human Trafficking Resource Center Hotline as required under § 12-19-  
34 102.

35  
36 SECTION 7. Arkansas Code Title 16, Chapter 90, Subchapter 1, is

1 amended to add a new section to read as follows:

2 16-90-123. Sealing certain convictions.

3 (a) As used in this section, "victim of human trafficking" means a  
4 person who has been subjected to trafficking of persons, § 5-18-103, or any  
5 former law of this state, law of another state, or federal law that is  
6 substantially similiar.

7 (b)(1) A person convicted of prostitution, § 5-70-102, may file a  
8 petition to seal the conviction under this section if it was obtained as a  
9 result of the person having been a victim of human trafficking.

10 (2) A petition under this section may be filed at any time and  
11 may be filed for a conviction imposed before, on, or after the effective date  
12 of this act.

13 (3)(A) The court shall hold a hearing on the petition under this  
14 section as provided in § 16-90-904.

15 (B) The court may dismiss the petition without a hearing  
16 if the court finds that the petition fails to assert a claim for which relief  
17 may be granted.

18 (4) The court shall grant the petition under this section if it  
19 finds by a preponderance of the evidence that:

20 (A) The petitioner was convicted of prostitution, § 5-70-  
21 102; and

22 (B) The conviction was obtained as a result of the  
23 petitioner's having been a victim of human trafficking.

24 (5) If the petition under this section is granted, the court  
25 shall:

26 (A) Issue an order to seal the conviction; and

27 (B) With respect to the conviction for prostitution, § 5-  
28 70-102, redact the petitioner's name from all records and files related to  
29 the petitioner's:

30 (i) Arrest;

31 (ii) Citation;

32 (iii) Criminal investigation;

33 (iv) Criminal charge;

34 (v) Adjudication of guilt;

35 (vi) Criminal proceedings; and

36 (vii) Probation for the offense.

1           (6)(A) Official documentation by a federal, state, or local  
2 government agency verifying that at the time of the conviction for  
3 prostitution, § 5-70-102, the petitioner was a victim of human trafficking  
4 creates a presumption under this section that the person's prostitution  
5 conviction was obtained as a result of having been a victim of human  
6 trafficking.

7           (B) Documentation under this subdivision (b)(6) is not  
8 required to grant a petition under this section.

9           (C) Documentation under this subdivision (b)(6) may  
10 include without limitation:

11           (i) Certified records of federal or state court  
12 proceedings that demonstrate that the defendant was a victim of a trafficker  
13 charged with a trafficking offense under state law or the Victims of  
14 Trafficking and Violence Protection Act of 2000, 22 U.S.C. § 7101 et seq., as  
15 it existed on January 1, 2013; or

16           (ii) Certified records of "approval notices" or "law  
17 enforcement certifications" generated from federal immigration proceedings  
18 available to victims of human trafficking.

19  
20           SECTION 8. Arkansas Code Title 20, Chapter 26, Subchapter 2, is  
21 amended to add a new section to read as follows:

22           20-26-207. Posting information about the National Human Trafficking  
23 Resource Center Hotline.

24           An entity governed by this subchapter shall post information about the  
25 National Human Trafficking Resource Center Hotline as required under § 12-19-  
26 102.

27  
28           SECTION 9. Arkansas Code Title 23, Chapter 12, Subchapter 6, is  
29 amended to add a new section to read as follows:

30           23-12-614. Posting information regarding National Human Trafficking  
31 Resource Center Hotline.

32           A passenger train station governed by this subchapter shall post  
33 information about the National Human Trafficking Resource Center Hotline as  
34 required under § 12-19-102.

35  
36           SECTION 10. Arkansas Code § 27-115-108(a), concerning the duties of

1 the Arkansas Department of Aeronautics, is amended to add a new subdivision  
2 to read as follows:

3 (14) Establish posting requirements for compliance with § 12-19-  
4 102, concerning the posting of information about the National Human  
5 Trafficking Resource Center Hotline.

6

7

8

*/s/Leding*

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28

29

30

31

32

33

34

35

36