

1 State of Arkansas
2 91st General Assembly
3 Regular Session, 2017
4

A Bill

HOUSE BILL 1177

5 By: Representative Tucker
6 By: Senator J. Hutchinson
7

For An Act To Be Entitled

9 AN ACT INCREASING THE AVAILABLE SENTENCES FOR CERTAIN
10 SEX OFFENSES WHEN COMMITTED AGAINST A FAMILY OR
11 HOUSEHOLD MEMBER; AND FOR OTHER PURPOSES.
12
13

Subtitle

15 INCREASING THE AVAILABLE SENTENCES FOR
16 CERTAIN SEX OFFENSES WHEN COMMITTED
17 AGAINST A FAMILY OR HOUSEHOLD MEMBER.
18
19

20 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
21

22 SECTION 1. Arkansas Code § 5-14-101, concerning definitions that apply
23 to sexual offenses, is amended to add a new definition to read as follows:

24 (12) "Family or household member" means the same as defined in §
25 5-26-302.
26

27 SECTION 2. Arkansas Code § 5-14-103(c), concerning the sentence for
28 rape, is amended to read as follows:

29 (c)(1) Rape is a Class Y felony.

30 (2) ~~Any~~ A person who pleads guilty or nolo contendere to or is
31 found guilty of rape ~~involving~~ committed against a victim described in this
32 subdivision (c)(2) is subject to the greater of the following minimum terms
33 of imprisonment:

34 (A) If a the victim ~~who~~ is less than fourteen (14) years
35 of age, ~~shall~~ the person shall be sentenced to a minimum term of imprisonment
36 of twenty-five (25) years; or



1 (B) If the victim is a family or household member, the
 2 person shall be sentenced to a minimum term of imprisonment of twenty (20)
 3 years.

4
 5 SECTION 3. Arkansas Code § 5-14-110(b), concerning the sentence for
 6 sexual indecency with a child, is amended to read as follows:

7 (b)(1) Sexual indecency with a child is a Class C felony if the victim
 8 is a family or household member.

9 (2) Otherwise, sexual indecency with a child is a Class D
 10 felony.

11
 12 SECTION 4. Arkansas Code § 5-14-123(d), concerning the sentence for
 13 exposing another person to the human immunodeficiency virus, is amended to
 14 read as follows:

15 (d)(1) Exposing another person to human immunodeficiency virus is a
 16 Class Y felony if the victim is a family or household member.

17 (2) Otherwise, exposing another person to human immunodeficiency
 18 virus is a Class A felony.

19
 20 SECTION 5. Arkansas Code § 5-14-124(d), concerning the sentence for
 21 sexual assault in the first degree, is amended to read as follows:

22 (d)(1) Sexual assault in the first degree is a Class Y felony if the
 23 victim is a family or household member.

24 (2) Otherwise, sexual assault in the first degree is a Class A
 25 felony.

26
 27 SECTION 6. Arkansas Code § 5-14-125(b), concerning the sentence for
 28 sexual assault in the second degree, is amended to read as follows:

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

30 ~~(2) Sexual assault in the second degree is a Class D felony if~~
 31 ~~committed by a minor with another person who is:~~

32 ~~(A) Less than fourteen (14) years of age; and~~

33 ~~(B) Not the person's spouse.~~

34 (1) Class A felony if the victim is a family or household
 35 member;

36 (2) Class C felony if committed by a minor and the victim is:

