

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

A Bill

HOUSE BILL 1453

5 By: Representative Farrer
6 By: Senator E. Williams
7

For An Act To Be Entitled

9 AN ACT PROHIBITING IMPROPER SEXUAL CONDUCT BETWEEN A
10 PROBATION OR PAROLE OFFICER AND A PERSON BEING
11 SUPERVISED ON PROBATION, PAROLE, OR OTHER COURT-
12 ORDERED REASON; AND FOR OTHER PURPOSES.
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Subtitle

15 PROHIBITING IMPROPER SEXUAL CONDUCT
16 BETWEEN A PROBATION OR PAROLE OFFICER AND
17 A PERSON BEING SUPERVISED ON PROBATION,
18 PAROLE, OR OTHER COURT-ORDERED REASON.
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22 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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24 SECTION 1. Arkansas Code § 5-14-110(a)(4), concerning the elements of
25 sexual indecency with a child, is amended to read as follows:

26 (4) With the purpose to arouse or gratify his or her sexual
27 desire or a sexual desire of another person, the person, being eighteen (18)
28 years of age or older, causes or coerces a minor to expose his or her sex
29 organs to the actor or another person, and the actor is:

30 (A) Employed with the Department of Correction, the
31 Department of Community Correction, any city or county jail, or any juvenile
32 detention facility, and the minor is in custody at a facility operated by the
33 agency or contractor employing the actor;

34 (B) Employed by or contracted with the Department of
35 Community Correction, a local law enforcement agency, a court, or a local
36 government and the actor is supervising the minor while the minor is on



1 probation or parole or for any other court-ordered reason;

2 ~~(B)(C)~~ A mandated reporter under § 12-18-402(b) and is in
 3 a position of trust or authority over the minor; or

4 ~~(C)(D)~~ The minor’s parent or guardian, an employee in the
 5 minor’s school or school district, a temporary caretaker, or a person in a
 6 position of trust or authority over the minor; or

7
 8 SECTION 2. Arkansas Code § 5-14-124(a)(1), concerning the elements of
 9 sexual assault in the first degree, is amended to read as follows:

10 (1) The person engages in sexual intercourse or deviate sexual
 11 activity with a minor who is not the actor’s spouse and the actor is:

12 (A) Employed with the Department of Correction, the
 13 Department of Community Correction, the Department of Human Services, or any
 14 city or county jail or a juvenile detention facility, and the victim is in
 15 the custody of the Department of Correction, the Department of Community
 16 Correction, the Department of Human Services, any city or county jail or
 17 juvenile detention facility, or their contractors or agents;

18 (B) Employed by or contracted with the Department of
 19 Community Correction, a local law enforcement agency, a court, or a local
 20 government and the actor is supervising the minor while the minor is on
 21 probation or parole or for any other court-ordered reason;

22 ~~(B)(C)~~ A mandated reporter under § 12-18-402(b) and is in
 23 a position of trust or authority over the victim and uses the position of
 24 trust or authority to engage in sexual intercourse or deviate sexual
 25 activity; or

26 ~~(C)(D)~~ An employee in the victim’s school or school
 27 district, a temporary caretaker, or a person in a position of trust or
 28 authority over the victim; or

29
 30 SECTION 3. Arkansas Code § 5-14-125(a)(4), concerning the elements of
 31 sexual assault in the second degree, is amended to read as follows:

32 (4)(A) Engages in sexual contact with a minor and the actor is:

33 (i) Employed with the Department of Correction, the
 34 Department of Community Correction, any city or county jail, or any juvenile
 35 detention facility, and the minor is in custody at a facility operated by the
 36 agency or contractor employing the actor;

1 (ii) Employed by or contracted with the Department
 2 of Community Correction, a local law enforcement agency, a court, or a local
 3 government and the actor is supervising the minor while the minor is on
 4 probation or parole or for any other court-ordered reason;

5 ~~(ii)~~(iii) A mandated reporter under § 12-18-402(b)
 6 and is in a position of trust or authority over the minor; or

7 ~~(iii)~~(iv) The minor's guardian, an employee in the
 8 minor's school or school district, a temporary caretaker, or a person in a
 9 position of trust or authority over the minor.

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

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 13 SECTION 4. Arkansas Code § 5-14-126(a)(1), concerning the elements of
 14 sexual assault in the third degree, is amended to read as follows:

15 (1) Engages in sexual intercourse or deviate sexual activity
 16 with another person who is not the actor's spouse, and the actor is:

17 (A) Employed with the Department of Correction, the
 18 Department of Community Correction, the Department of Human Services, or any
 19 city or county jail, and the victim is in the custody of the Department of
 20 Correction, the Department of Community Correction, the Department of Human
 21 Services, or any city or county jail;

22 (B) Employed by or contracted with the Department of
 23 Community Correction, a local law enforcement agency, a court, or a local
 24 government and the actor is supervising the person while the person is on
 25 probation or parole or for any other court-ordered reason;

26 ~~(B)~~(C) Employed or contracted with or otherwise providing
 27 services, supplies, or supervision to an agency maintaining custody of
 28 inmates, detainees, or juveniles, and the victim is in the custody of the
 29 Department of Correction, the Department of Community Correction, the
 30 Department of Human Services, or any city or county jail; or

31 ~~(C)~~(D) A mandated reporter under § 12-18-402(b) or a
 32 member of the clergy and is in a position of trust or authority over the
 33 victim and uses the position of trust or authority to engage in sexual
 34 intercourse or deviate sexual activity; or

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