

1 State of Arkansas *As Engrossed: H3/20/19 S4/4/19*

2 92nd General Assembly

A Bill

3 Regular Session, 2019

HOUSE BILL 1695

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5 By: Representatives Scott, Petty

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For An Act To Be Entitled

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AN ACT TO PROTECT CHILDREN WHO ARE BEING TRAFFICKED

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FROM BEING PROSECUTED FOR PROSTITUTION; AND FOR OTHER

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PURPOSES.

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Subtitle

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TO PROTECT CHILDREN WHO ARE BEING

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TRAFFICKED FROM BEING PROSECUTED FOR

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PROSTITUTION.

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

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21 SECTION 1. Arkansas Code § 5-70-102 is amended to read as follows:

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5-70-102. Prostitution.

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(a) A person commits prostitution if in return for or in expectation
24 of a fee he or she engages in or agrees or offers to engage in sexual
25 activity with any other person.

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(b) Prostitution is a:

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(1) Class B misdemeanor for the first offense; and

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(2) Class A misdemeanor for a second or subsequent offense under

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this section.

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(c) ~~It is an affirmative defense to prosecution that the person~~

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~~engaged in~~ It is not an offense under this section if at the time of the

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person's commission of or arrest for an act that meets the elements of the

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offense of prostitution, as a result of being the person was a victim of

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trafficking of persons, § 5-18-103.

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(d)(1) *If a law enforcement agency is investigating an offense under*

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this section that has allegedly been committed by a minor, the law



1 enforcement agency shall make every effort to determine whether the minor, at
2 the time of the offense, was a victim of trafficking of persons, § 5-18-103.

3 (2) If a determination under subdivision (d)(1) of this section
4 is made that the minor was a victim of trafficking of persons, § 5-18-103,
5 the law enforcement agency investigating the offense shall immediately notify
6 the prosecuting attorney.

7 ~~(d)~~(e) In addition to any other sentence authorized by this section, a
8 person who violates this section by offering to pay, agreeing to pay, or
9 paying a fee to engage in sexual activity upon conviction shall be ordered to
10 pay a fine of two hundred fifty dollars (\$250) to be deposited into the Safe
11 Harbor Fund for Sexually Exploited Children.

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/s/Scott

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APPROVED: 4/15/19

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