

1 State of Arkansas
2 94th General Assembly
3 Regular Session, 2023
4

As Engrossed: H3/6/23

A Bill

HOUSE BILL 1459

5 By: Representatives C. Fite, Gazaway, Lundstrum, J. Mayberry
6 By: Senators K. Hammer, *Gilmore*
7

For An Act To Be Entitled

9 AN ACT TO AMEND THE LAW CONCERNING HUMAN TRAFFICKING
10 AND RELATED OFFENSES; TO AMEND THE LAW CONCERNING
11 FINES FOR HUMAN TRAFFICKING; TO AMEND THE LAW
12 CONCERNING THE HUMAN TRAFFICKING VICTIM SUPPORT FUND;
13 TO AMEND THE LAW CONCERNING THE SAFE HARBOR FUND FOR
14 SEXUALLY EXPLOITED CHILDREN; AND FOR OTHER PURPOSES.
15

Subtitle

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18 TO AMEND THE LAW CONCERNING HUMAN
19 TRAFFICKING AND RELATED OFFENSES; AND TO
20 AMEND THE LAW CONCERNING FINES FOR HUMAN
21 TRAFFICKING.
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24 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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26 SECTION 1. Arkansas Code § 5-18-103(a)(1)-(5), concerning trafficking
27 of persons, are amended to read as follows:

28 (1) Recruits, harbors, transports, obtains, entices, solicits,
29 isolates, provides, or maintains a person ~~knowing~~ when he or she knows or
30 should know that the person will be subjected to involuntary servitude;

31 (2) Benefits financially or benefits by receiving anything of
32 value from participation in a venture that he or she knows or should know is
33 engaged in conduct prohibited under subdivision (a)(1) of this section;

34 (3) Subjects a person to involuntary servitude;

35 (4) Recruits, entices, solicits, isolates, harbors, transports,
36 provides, maintains, or obtains a minor for commercial sexual activity;



1 (5) Sells or offers to sell travel services that he or she knows
2 or should know include an activity prohibited under subdivisions (a)(1)-(4)
3 of this section;

4
5 SECTION 2. Arkansas Code § 5-18-103(d), concerning trafficking of
6 persons, is amended to read as follows:

7 (d)(1) 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~~ not less than five thousand
11 dollars (\$5,000) nor more than fifteen thousand dollars (\$15,000).

12 (2) Fine payments received under subdivision (d)(1) of this
13 section shall be deposited as follows:

14 (A) Fifty percent (50%) into the Safe Harbor Fund for
15 Sexually Exploited Children; and

16 (B) Fifty percent (50%) into the Human Trafficking Victim
17 Support Fund.

18
19 SECTION 3. Arkansas Code § 5-18-104(a), concerning patronizing a
20 victim of human trafficking, is amended to read as follows:

21 (a) A person commits the offense of patronizing a victim of human
22 trafficking if he or she knowingly engages in commercial sexual activity with
23 another person ~~knowing that the other person~~ who he or she knows or should
24 know is a victim of human trafficking.

25
26 SECTION 4. Arkansas Code § 5-18-104, concerning patronizing a victim
27 of human trafficking, is amended to add an additional subsection to read as
28 follows:

29 (c)(1) In addition to any other sentence authorized by this section, a
30 person who violates this section by offering to pay, agreeing to pay, or
31 paying a fee to engage in sexual activity upon conviction shall be ordered to
32 pay a fine of not less than five thousand dollars (\$5,000) nor more than
33 fifteen thousand dollars (\$15,000).

34 (2) Fine payments received under subdivision (c)(1) of this
35 section shall be deposited as follows:

36 (A) Fifty percent (50%) into the Safe Harbor Fund for

1 Sexually Exploited Children; and

2 (B) Fifty percent (50%) into the Human Trafficking Victim
3 Support Fund.

4
5 SECTION 5. Arkansas Code § 5-18-106, concerning grooming a minor for
6 future sex trafficking, is amended to add an additional subsection to read as
7 follows:

8 (c)(1) In addition to any other sentence authorized by this section, a
9 person who violates this section by offering to pay, agreeing to pay, or
10 paying a fee to engage in sexual activity upon conviction shall be ordered to
11 pay a fine of not less than five thousand dollars (\$5,000) nor more than
12 fifteen thousand dollars (\$15,000).

13 (2) Fine payments received under subdivision (c)(1) of this
14 section shall be deposited as follows:

15 (A) Fifty percent (50%) into the Safe Harbor Fund for
16 Sexually Exploited Children; and

17 (B) Fifty percent (50%) into the Human Trafficking Victim
18 Support Fund.

19
20 SECTION 6. Arkansas Code § 5-18-107, concerning traveling for the
21 purpose of an unlawful sex act with a minor, is amended to add an additional
22 subsection to read as follows:

23 (f)(1) In addition to any other sentence authorized by this section, a
24 person who violates this section by offering to pay, agreeing to pay, or
25 paying a fee to engage in sexual activity upon conviction shall be ordered to
26 pay a fine of not less than five thousand dollars (\$5,000) nor more than
27 fifteen thousand dollars (\$15,000).

28 (2) Fine payments received under subdivision (f)(1) of this
29 section shall be deposited as follows:

30 (A) Fifty percent (50%) into the Safe Harbor Fund for
31 Sexually Exploited Children; and

32 (B) Fifty percent (50%) into the Human Trafficking Victim
33 Support Fund.

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35 SECTION 7. Arkansas Code § 5-70-102(e), concerning prostitution, is
36 amended to read as follows:

1 (e)(1) In addition to any other sentence authorized by this section, a
2 person who violates this section by offering to pay, agreeing to pay, or
3 paying a fee to engage in sexual activity upon conviction shall be ordered to
4 pay a fine of two hundred fifty dollars (\$250) to:

5 (A) One thousand dollars (\$1,000) if convicted of a Class
6 B misdemeanor; or

7 (B) Two thousand five hundred dollars (\$2,500) if
8 convicted of a Class A misdemeanor.

9 (2) Fine payments received under subdivision (e)(1) of this
10 section shall be deposited as follows:

11 (A) Fifty percent (50%) into the Safe Harbor Fund for
12 Sexually Exploited Children; and

13 (B) Fifty percent (50%) into the Human Trafficking Victim
14 Support Fund.

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16 SECTION 8. Arkansas Code § 5-70-103(d), concerning the solicitation of
17 sex, is amended to read as follows:

18 (d)(1) In addition to any other sentence authorized by this section, a
19 person who violates this section by offering to pay, agreeing to pay, or
20 paying a fee to engage in sexual activity upon conviction shall be ordered to
21 pay a fine of ~~two hundred fifty dollars (\$250)~~ two thousand five hundred
22 dollars (\$2,500).

23 (2) Fine payments received under subdivision (d)(1) of this
24 section shall be deposited as follows:

25 (A) Fifty percent (50%) into the Safe Harbor Fund for
26 Sexually Exploited Children; and

27 (B) Fifty percent (50%) into the Human Trafficking Victim
28 Support Fund.

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30 SECTION 9. Arkansas Code § 5-70-104, concerning promoting prostitution
31 in the first degree, is amended to add an additional subsection to read as
32 follows:

33 (c)(1) In addition to any other sentence authorized by this section, a
34 person who violates this section by offering to pay, agreeing to pay, or
35 paying a fee to engage in sexual activity upon conviction shall be ordered to
36 pay a fine of two thousand five hundred dollars (\$2,500).

1 (2) Fine payments received under subdivision (c)(1) of this
2 section shall be deposited as follows:

3 (A) Fifty percent (50%) into the Safe Harbor Fund for
4 Sexually Exploited Children; and

5 (B) Fifty percent (50%) into the Human Trafficking Victim
6 Support Fund.

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8 SECTION 10. Arkansas Code § 5-70-105, concerning promoting
9 prostitution in the second degree, is amended to add an additional subsection
10 to read as follows:

11 (c)(1) In addition to any other sentence authorized by this section, a
12 person who violates this section by offering to pay, agreeing to pay, or
13 paying a fee to engage in sexual activity upon conviction shall be ordered to
14 pay a fine of two thousand five hundred dollars (\$2,500).

15 (2) Fine payments received under subdivision (c)(1) of this
16 section shall be deposited as follows:

17 (A) Fifty percent (50%) into the Safe Harbor Fund for
18 Sexually Exploited Children; and

19 (B) Fifty percent (50%) into the Human Trafficking Victim
20 Support Fund.

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22 SECTION 11. Arkansas Code § 5-70-106, concerning promoting
23 prostitution in the third degree, is amended to add an additional subsection
24 to read as follows:

25 (c)(1) In addition to any other sentence authorized by this section, a
26 person who violates this section by offering to pay, agreeing to pay, or
27 paying a fee to engage in sexual activity upon conviction shall be ordered to
28 pay a fine of one thousand dollars (\$1,000).

29 (2) Fine payments received under subdivision (c)(1) of this
30 section shall be deposited as follows:

31 (A) Fifty percent (50%) into the Safe Harbor Fund for
32 Sexually Exploited Children; and

33 (B) Fifty percent (50%) into the Human Trafficking Victim
34 Support Fund.

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36 SECTION 12. Arkansas Code § 19-5-1252(b), concerning the Safe Harbor

1 Fund for Sexually Exploited Children, is amended to read as follows:

2 (b) The fund shall consist of fines collected under §§ 5-18-103(d), 5-
3 18-104(c), 5-18-106(c), 5-18-107(f), ~~5-70-102(d)~~ 5-70-102(e), 5-70-103(d), 5-
4 70-104(c), 5-70-105(c), and 5-70-106(c) and any other revenues authorized by
5 law.

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7 SECTION 13. Arkansas Code § 19-5-1261(b), concerning the Human
8 Trafficking Victim Support Fund, is amended to read as follows:

9 (b) The fund shall consist of fees collected under § 5-5-501(d), fees
10 collected under §§ 5-18-103(d), 5-18-104(c), 5-18-106(c), 5-18-107(f), 5-70-
11 102(e), 5-70-103(d), 5-70-104(c), 5-70-105(c), and 5-70-106(c), and any other
12 revenues authorized by law.

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14 SECTION 14. Arkansas Code § 19-5-1261(c), concerning the Human
15 Trafficking Victim Support Fund, is amended to read as follows:

16 (c)(1) The fund shall be administered by the Attorney General.

17 (2) The Attorney General shall use the fund to provide:

18 (A) Grants to nonprofit, religious, and other third-party
19 organizations that provide services and treatment, such as securing
20 residential housing, health services, and social services for victims of
21 human trafficking; ~~and~~

22 (B) Training and education related to human trafficking to
23 law enforcement; and

24 (C) For the management and operation of the fund.

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26 /s/C. Fite

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29 **APPROVED: 3/21/23**

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