



*Arkansas  
Sentencing  
Commission*

**Impact Assessment for SB609  
Sponsored by Senator Irvin**

**Subtitle** TO CREATE THE OFFENSE OF CHILD LABOR TRAFFICKING.

**Impact Summary**<sup>1</sup> Cannot be determined.

**Change from current law**<sup>2</sup> Amends Arkansas Code Title 5, Chapter 27, Subchapter 2, to create A.C.A. § 5-27-212, Child labor trafficking, a Class Y felony. Under the proposed bill, a person commits the offense of child labor trafficking if he or she has physical custody of a minor, allows a minor to reside in his or her residence, is in a position of authority over a minor, or provides care for any length of time to a minor, and knowingly obtains labor or services from the minor, benefits financially from the labor or services of the minor, or receives anything of value from the labor or services of the minor, by causing or threatening to cause serious harm to the minor or by engaging in a pattern of conduct that results in: (1) physical injury to the minor; (2) sexual abuse of the minor; or (3) sexual assault of the minor.

The proposed bill also defines “serious harm” and specifies that it is not an offense for a parent or guardian of a child to require his or her child to perform common household chores under the threat of reasonable discipline.

**Impact Information**

The proposed bill creates a new felony offense for which data regarding the likely number of convictions does not exist. However, some conduct covered under the proposed felony penalty is potentially already criminalized under existing law. [See A.C.A. § 5-18-103, Trafficking of persons.] The following data is provided for informational purposes only.

The Human Trafficking Hotline reports that in calendar year 2017, 147 calls were received resulting in 45 cases of Human Trafficking in the state of Arkansas. Eight (8) of these cases were identified as labor trafficking. This data is not specific as to the age of the victim of labor trafficking. However, a nationwide survey conducted by the Human Trafficking Hotline reports that approximately 40% of survivors of labor trafficking who voluntarily provided demographic information were minors when their exploitation began.

The Arkansas Department of Correction (ADC) reports that there are currently four (4) inmates serving a term of incarceration for A.C.A § 5-18-103, Trafficking of persons, Class Y felony. All four (4) of these inmates are serving a term of incarceration for which A.C.A § 5-18-103, Trafficking of persons, Class Y felony, is the primary offense.

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<sup>1</sup> This impact assessment was prepared (03/25/2019, 9:05 a.m.) by the staff of the Arkansas Sentencing Commission pursuant to A. C. A. § 16-90-802(d)(6) with data supplied by the Arkansas Department of Correction and the Administrative Office of the Courts. A micro-simulation model may be used for bills which have the potential for significant impact on correctional resources. The following designations will be used: “minimal” = less than 10 offenders per year will be affected; “medium” = would require budgetary increases for ADC inmate costs; and “major” = would require budgetary increases for ADC inmate costs and construction costs for additional beds.

<sup>2</sup> Standard punishment ranges:

Class Y	10-40 years or life	Class C	3-10 years; up to \$10,000	Class A	Up to 1 year; up to \$2,500
Class A	6-30 years; up to \$15,000	Class D	0-6 years; up to \$10,000	Class B	Up to 90 days; up to \$1,000
Class B	5-20 years; up to \$15,000	Unclassified	As specified in statute	Class C	Up to 30 days; up to \$500

ADC reports that there are currently two (2) inmates serving a term of incarceration for A.C.A § 5-18-103, Trafficking of persons, Class A felony. Both of these inmates are serving a term of incarceration for which A.C.A § 5-18-103, Trafficking of persons, Class A felony, is the primary offense. Please note that these numbers include all inmates serving a term of incarceration for A.C.A. § 5-18-103 and do not distinguish between the various courses of conduct by which a person can commit the offense under current law.

**A.C.A § 5-18-103. Trafficking of persons.**

- (a) A person commits the offense of trafficking of persons if he or she knowingly:
  - (1) Recruits, harbors, transports, obtains, entices, solicits, isolates, provides, or maintains a person knowing that the person will be subjected to involuntary servitude;
  - (2) Benefits financially or benefits by receiving anything of value from participation in a venture under subdivision (a)(1) of this section;
  - (3) Subjects a person to involuntary servitude;
  - (4) Recruits, entices, solicits, isolates, harbors, transports, provides, maintains, or obtains a minor for commercial sexual activity; or
  - (5) Sells or offers to sell travel services that he or she knows includes an activity prohibited under subdivisions (a)(1)-(4) of this section.
- (b) It is not a defense to prosecution under subdivision (a)(4) of this section that the actor:
  - (1) Did not have knowledge of a victim's age; or
  - (2) Mistakenly believed a victim was not a minor.
- (c)
  - (1) Trafficking of persons is a Class A felony.
  - (2) Trafficking of persons is a Class Y felony if a victim was a minor at the time of the offense.
- (d) In addition to any other sentence authorized by this section, a person who violates this section by offering to pay, agreeing to pay, or paying a fee to engage in sexual activity upon conviction shall be ordered to pay a fine of two hundred fifty dollars (\$250) to be deposited into the Safe Harbor Fund for Sexually Exploited Children.

History: Acts 2013, No. 132, § 3; 2013, No. 133, § 3; 2013, No. 1257, § 4; 2015, No. 1080, § 1.