

1 INTERIM STUDY PROPOSAL 2023-024

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

As Engrossed: H3/8/23 H3/27/23

A Bill

HOUSE BILL 1151

5
6 By: Representative Vaught

7 Filed with: House Committee on Judiciary
8 pursuant to A.C.A. §10-3-217.

9 For An Act To Be Entitled

10 AN ACT TO AMEND THE LAW CONCERNING SEXUALLY GROOMING
11 A CHILD; TO AMEND THE MAXIMUM AGE FOR A VICTIM FOR
12 THE OFFENSE OF SEXUALLY GROOMING A CHILD; TO INCREASE
13 THE PENALTY FOR SEXUALLY GROOMING A CHILD; AND FOR
14 OTHER PURPOSES.

15 16 17 Subtitle

18 TO AMEND THE LAW CONCERNING SEXUALLY
19 GROOMING A CHILD; TO AMEND THE MAXIMUM
20 AGE FOR A VICTIM FOR THE OFFENSE OF
21 SEXUALLY GROOMING A CHILD; AND TO
22 INCREASE THE PENALTY FOR SEXUALLY
23 GROOMING A CHILD.

24
25
26 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

27
28 SECTION 1. Arkansas Code § 5-27-307(b) and (c), concerning sexually
29 grooming a child, are amended to read as follows:

30 (b) A person commits sexually grooming a child if he or she knowingly:
31 ~~disseminates~~

32 (1) Disseminates to a child ~~thirteen (13) years of~~ under the age
33 of sixteen (16) years who the actor knows or who a reasonable person would
34 know is under the age of sixteen (16) years ~~age or younger with or without~~
35 ~~consideration~~ a visual or print medium depicting sexually explicit conduct
36 with the purpose to entice, induce, or groom the child ~~thirteen (13) years of~~

1 ~~age or younger~~ under the age of sixteen (16) years to engage in the following
2 with a person when prohibited by law:

- 3 ~~(1)~~(A) Sexual intercourse;
- 4 ~~(2)~~(B) Sexually explicit conduct; or
- 5 ~~(3)~~(C) Deviate sexual activity; or

6 (2) Offers, gives, or agrees to give money to a child under the
7 age of sixteen (16) years with the purpose to induce the child under the age
8 of sixteen (16) years not to disclose information regarding any of the
9 following that the person has committed against the child under the age of
10 sixteen (16) years:

- 11 (A) An offense under § 5-14-101 et seq.;
- 12 (B) An offense under the Human Trafficking Act of 2013, §
13 5-18-101 et seq.;
- 14 (C) An offense under this subchapter;
- 15 (D) An offense under § 5-27-401 et seq.; or
- 16 (E) An offense under § 5-27-601 et seq.

17 (c)(1) Sexually grooming a child under subdivision (b)(1) of this
18 section is a:

- 19 ~~(1)~~(A) Class ~~D~~ B felony if the actor is twenty-one (21)
20 years of age or older; or
- 21 ~~(2)~~(B) Class A misdemeanor if the actor is younger than
22 twenty-one (21) years of age.

23 (2) Sexually grooming a child under subdivision (b)(2) of this
24 section is a:

- 25 (A) Class C felony if the actor is twenty-one (21) years
26 of age or older; or
- 27 (B) Class A misdemeanor if the actor is younger than
28 twenty-one (21) years of age.

29
30 SECTION 2. Arkansas Code § 5-27-307(e), concerning sexually grooming a
31 child, *repealed.*

32 ~~(c) It is not a defense to prosecution under this section that the~~
33 ~~actor does not know the age of the child or believes the child is fourteen~~
34 ~~(14) years of age or older.~~

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36 /s/Vaught

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Referred requested by the Arkansas House of Representatives
Prepared by: JLL/SJA