

1 **State of Arkansas**  
2 **80th General Assembly**  
3 **Regular Session, 1995**

# A Bill

**ACT 208 OF 1995**  
**SENATE BILL 248**

4 **By: Senators Bookout, Edwards, Bell**

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## **For An Act To Be Entitled**

8 "AN ACT TO AMEND ARKANSAS CODE 5-14-109 TO EXPAND THE  
9 DEFINITION OF SEXUAL ABUSE IN THE SECOND DEGREE."

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## **Subtitle**

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"AN ACT TO AMEND ARKANSAS CODE 5-14-109  
13 TO EXPAND THE DEFINITION OF SEXUAL ABUSE  
14 IN THE SECOND DEGREE."

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

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18 SECTION 1. Arkansas Code 5-14-109 is amended to read as follows:

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"5-14-109. Sexual abuse in the second degree.

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(a) A person commits sexual abuse in the second degree if:

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(1) He or she engages in sexual contact with another person not his or

22 her spouse who is incapable of consent because he or she is mentally defective  
23 or mentally incapacitated;

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(2) Being less than eighteen (18) years old, he or she engages in

25 sexual contact with a person not his or her spouse who is less than fourteen

26 (14) years old. It is an affirmative defense to prosecution under this

27 subdivision that the actor was not more than two (2) years older than the

28 victim; or

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(3) He or she, being employed directly, or through contract with the

30 Arkansas Department of Correction or the Arkansas Department of Community

31 Punishment, engages in sexual contact for the purpose of sexual gratification

32 with any person in the custody of the Department of Correction or Department

33 of Community Punishment, consent of the person in custody notwithstanding.

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(b) Sexual abuse in the second degree is a Class A misdemeanor."

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36 SECTION 2. All provisions of this act of a general and permanent nature

1 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code  
2 Revision Commission shall incorporate the same in the Code.

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4 SECTION 3. If any provision of this act or the application thereof to  
5 any person or circumstance is held invalid, such invalidity shall not affect  
6 other provisions or applications of the act which can be given effect without  
7 the invalid provision or application, and to this end the provisions of this  
8 act are declared to be severable.

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10 SECTION 4. All laws and parts of laws in conflict with this act are  
11 hereby repealed.

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14 APPROVED: 2-9-95

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