

Stricken language would be deleted from present law. Underlined language would be added to present law.

1 State of Arkansas  
2 81st General Assembly  
3 Regular Session, 1997  
4

As Engrossed: S3/24/97 S3/27/97

## A Bill

ACT 1321 OF 1997  
HOUSE BILL 1688

5 By: Representatives Pollan and Bryant  
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### For An Act To Be Entitled

9 "AN ACT TO AMEND ARKANSAS CODE ANNOTATED § 5-26-202 TO  
10 CHANGE THE PENALTY FOR INCEST FROM A CLASS C FELONY TO A  
11 CLASS A FELONY IF THE VICTIM IS UNDER SIXTEEN YEARS OF  
12 AGE; AND FOR OTHER PURPOSES."

### Subtitle

14 "TO CHANGE THE PENALTY FOR INCEST FROM A  
15 CLASS C FELONY TO A CLASS A FELONY IF  
16 THE VICTIM IS UNDER 16 YEARS OF AGE"  
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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 Annotated § 5-26-202 is amended to read as  
22 follows:

23 "5-26-202. Incest.

24 (a) A person commits incest if, being sixteen (16) years of age or  
25 older, he purports to marry, has sexual intercourse with, or engages in  
26 deviate sexual activity with a person he knows to be:

- 27 (1) An ancestor or a descendant; or  
28 (2) A stepchild or adopted child; or  
29 (3) A brother or sister of the whole or half blood; or  
30 (4) An uncle, aunt, nephew, or niece; or  
31 (5) A stepgrandchild or adopted grandchild.

32 (b) The relationships referred to in this section shall include blood  
33 relationship without regard to legitimacy.

34 (c) Incest is a Class C felony; however, incest is a Class A felony if  
35 the victim is under sixteen (16) years of age and the perpetrator is over  
36 twenty-one (21) years of age at the time of the offense."

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SECTION 2. All provisions of this act of a general and permanent nature are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code Revision Commission shall incorporate the same in the Code.

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

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 All laws and parts of laws in conflict with this act are hereby repealed.

*/s/Pollan et al*

APPROVED:4-10-97