

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

Act 531 of the Regular Session

As Engrossed: H2/9/07 H2/23/07 H3/9/07

A Bill

1 State of Arkansas  
2 86th General Assembly  
3 Regular Session, 2007

HOUSE BILL 1311

4  
5 By: Representative Cook  
6  
7

8 **For An Act To Be Entitled**

9 *AN ACT TO ADD CERTAIN RELATIONSHIPS OF*  
10 *SUPERVISION AND TRUST TO THE OFFENSE OF SEXUAL*  
11 *INDECENCY WITH A CHILD; AND FOR OTHER PURPOSES.*  
12

13 **Subtitle**

14 *TO ADD CERTAIN RELATIONSHIPS OF*  
15 *SUPERVISION AND TRUST TO THE OFFENSE OF*  
16 *SEXUAL INDECENCY WITH A CHILD*  
17

18  
19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
20

21 SECTION 1. Arkansas Code § 5-14-110 is amended to read as follows:

22 5-14-110. Sexual indecency with a child.

23 (a) A person commits sexual indecency with a child if:

24 (1) Being eighteen (18) years of age or older, the person  
25 *solicits another person who is less than fifteen (15) years of age or who is*  
26 *represented to be less than fifteen (15) years of age to engage in:*

27 (A) Sexual intercourse;

28 (B) Deviate sexual activity; or

29 (C) Sexual contact;

30 (2)(A) With the purpose to arouse or gratify a sexual desire of  
31 himself or herself or a sexual desire of any other person, the person  
32 purposely exposes his or her sex organs to another person who is less than  
33 *fifteen (15) years of age.*

34 (B) It is an affirmative defense to a prosecution under  
35 subdivision (a)(2)(A) of this section if the person is within three (3) years



1 of age of the victim; or

2 (3) With the purpose to arouse or gratify a sexual desire of  
3 himself or herself or a sexual desire of any other person, the person  
4 purposely exposes his or her sex organs to another person who is less than  
5 eighteen (18) years of age, and the actor is:

6 (A) Employed with the Department of Correction, Department  
7 of Community Correction, any city or county jail, or any juvenile detention  
8 facility, and the minor is in custody at a facility operated by the agency or  
9 contractor employing the actor; or

10 (B) A professional under § 12-12-507(b) and is in a  
11 position of trust or authority over the minor; or

12 (C) The minor's guardian, an employee in the minor's  
13 school or school district, a temporary caretaker, or a person in a position  
14 of trust and authority over the minor;

15 (4) With the purpose to arouse or gratify his or her sexual  
16 desire or a sexual desire of another person, a person who is eighteen years  
17 (18) of age or older:

18 (A) Causes or coerces another person who is less than  
19 eighteen (18) years of age to expose his or her sex organs to another person;  
20 and

21 (B)(i) Is employed with the Department of Correction,  
22 Department of Community Correction, any city or county jail, or any juvenile  
23 detention facility, and the minor is in custody at a facility operated by the  
24 agency or contractor employing the actor;

25 (ii) Is a professional under § 12-12-507(b) and is  
26 in a position of trust or authority over the minor; or

27 (iii) Is the minor's guardian, an employee in the  
28 minor's school or school district, a temporary caretaker, or a person in a  
29 position of trust or authority over the minor; or

30 (5) Being eighteen (18) years of age or older, the person causes  
31 or coerces another person who is less than fourteen (14) years of age to  
32 expose his or her sex organs or the breast of a female with the purpose to  
33 arouse or gratify a sexual desire of himself, herself, or another person.

34 (b) Sexual indecency with a child is a Class D felony.

35 /s/ Cook

36 APPROVED: 3/28/2007