

1 State of Arkansas *As Engrossed: H3/19/13 S4/5/13*

2 89th General Assembly

A Bill

3 Regular Session, 2013

HOUSE BILL 1973

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5 By: Representative D. Douglas

6 *By: Senator Hester*

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For An Act To Be Entitled

9 AN ACT TO CREATE THE OFFENSE OF SEXUAL GROOMING OF A
10 CHILD; TO REQUIRE REGISTRATION WITH THE SEX OFFENDER
11 REGISTRY UPON CONVICTION OF SEXUAL GROOMING OF A
12 CHILD; CONCERNING UNLAWFUL SEXUAL OFFENSES AGAINST A
13 CHILD; AND FOR OTHER PURPOSES.

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Subtitle

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

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*SECTION 1. Arkansas Code § 5-27-302(5), concerning the definition of
"visual or print medium", is amended to read as follows:*

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*SECTION 2. Arkansas Code Title 5, Chapter 27, Subchapter 3, is amended
to add a new section to read as follows:*

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1 5-27-307. Sexually grooming a child.

2 (a) As used in this section "disseminates" means to allow to view,
3 expose, furnish, present, sell, or otherwise distribute.

4 (b) A person commits sexually grooming a child if he or she knowingly
5 disseminates to a child thirteen (13) years of age or younger with or without
6 consideration a visual or print medium depicting sexually explicit conduct
7 with the purpose to entice, induce, or groom the child thirteen (13) years of
8 age or younger to engage in the following with a person:

9 (1) Sexual intercourse;

10 (2) Sexually explicit conduct; or

11 (3) Deviate sexual activity.

12 (c) Sexually grooming a child is a:

13 (1) Class D felony if the actor is twenty-one (21) years of age
14 or older; or

15 (2) Class A misdemeanor if the actor is younger than twenty-one
16 (21) years of age.

17 (d) It is an affirmative defense to prosecution under this section
18 that the actor was not more than three (3) years older than the victim.

19 (e) It is not a defense to prosecution under this section that the
20 actor does not know the age of the child or believes the child is fourteen
21 (14) years of age or older.

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23 *SECTION 3. Arkansas Code § 12-12-903(12)(A)(i), concerning the*
24 *definition of "sex offense", is amended to add a new subdivision to read as*
25 *follows:*

26 (bb) Sexually grooming a child, § 5-27-307;

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28 /s/D. Douglas

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31 **APPROVED: 04/11/2013**