Stricken language would be deleted from and underlined language would be added to present law.

Act 1020 of the Regular Session

State of Arkansas
92nd General Assembly
Regular Session, 2019

By: Representatives Scott, Petty

For An Act To Be Entitled

AN ACT TO PROTECT CHILDREN WHO ARE BEING TRAFFICKED FROM BEING PROSECUTED FOR PROSTITUTION; AND FOR OTHER PURPOSES.

Subtitle

TO PROTECT CHILDREN WHO ARE BEING TRAFFICKED FROM BEING PROSECUTED FOR PROSTITUTION.

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

SECTION 1. Arkansas Code § 5-70-102 is amended to read as follows:

5-70-102. Prostitution.
(a) A person commits prostitution if in return for or in expectation of a fee he or she engages in or agrees or offers to engage in sexual activity with any other person.
(b) Prostitution is a:
   (1) Class B misdemeanor for the first offense; and
   (2) Class A misdemeanor for a second or subsequent offense under this section.
(c) It is an affirmative defense to prosecution that the person engaged in it is not an offense under this section if at the time of the person’s commission of or arrest for an act that meets the elements of the offense of prostitution, as a result of being the person was a victim of trafficking of persons, § 5-18-103.
(d)(1) If a law enforcement agency is investigating an offense under this section that has allegedly been committed by a minor, the law
enforcement agency shall make every effort to determine whether the minor, at the time of the offense, was a victim of trafficking of persons, § 5-18-103.

(2) If a determination under subdivision (d)(1) of this section is made that the minor was a victim of trafficking of persons, § 5-18-103, the law enforcement agency investigating the offense shall immediately notify the prosecuting attorney.

(e) In addition to any other sentence authorized by this section, a person who violates this section by offering to pay, agreeing to pay, or paying a fee to engage in sexual activity upon conviction shall be ordered to pay a fine of two hundred fifty dollars ($250) to be deposited into the Safe Harbor Fund for Sexually Exploited Children.

/s/Scott

APPROVED: 4/15/19