

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 38 of the Regular Session**

1 State of Arkansas  
2 86th General Assembly  
3 Regular Session, 2007  
4

*As Engrossed: H1/16/07*

**A Bill**

HOUSE BILL 1013

5 By: Representatives D. Creekmore, S. Prater, *Abernathy, Burris, Cash, Dunn, George, Maxwell,*  
6 *Pennartz, Pierce, Ragland, Reep*  
7 By: *Senators Salmon, Broadway*  
8  
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**For An Act To Be Entitled**

11 AN ACT TO INCREASE THE PENALTY CLASSIFICATION OF  
12 THE OFFENSES OF INDECENT EXPOSURE AND INTERNET  
13 STALKING OF A CHILD UNDER CERTAIN CIRCUMSTANCES;  
14 AND FOR OTHER PURPOSES.

**Subtitle**

16 AN ACT TO INCREASE THE PENALTY  
17 CLASSIFICATION OF THE OFFENSES OF  
18 INDECENT EXPOSURE AND INTERNET STALKING  
19 OF A CHILD UNDER CERTAIN CIRCUMSTANCES.  
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23 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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25 SECTION 1. Arkansas Code § 5-14-112 is amended to read as follows:  
26 5-14-112. Indecent exposure.

27 (a) A person commits indecent exposure if, with the purpose to arouse  
28 or gratify a sexual desire of himself or herself or of any other person, the  
29 person exposes his or her sex organs:

30 (1) In a public place or in public view; or

31 (2) Under circumstances in which the person knows the conduct is  
32 likely to cause affront or alarm.

33 (b) (1) ~~Indecent~~ Except as provided in subdivisions (b)(2) and (b)(3)  
34 of this section, indecent exposure is a Class A misdemeanor.

35 (2) For a fourth or fifth conviction within ten (10) years of a



1 previous conviction, indecent exposure is a Class D felony.

2 (3) For a sixth conviction and each successive conviction within  
3 ten (10) years of a previous conviction, indecent exposure is a Class C  
4 felony.

5  
6 SECTION 2. Arkansas Code § 5-27-306 is amended to read as follows:

7 5-27-306. Internet stalking of a child.

8 (a) A person commits the offense of internet stalking of a child if  
9 the person being twenty-one (21) years of age or older knowingly uses a  
10 computer online service, internet service, or local internet bulletin board  
11 service to:

12 (1) Seduce, solicit, lure, or entice a child fifteen (15) years  
13 of age or younger in an effort to arrange a meeting with the child for the  
14 purpose of engaging in:

15 (A) Sexual intercourse;

16 (B) Sexually explicit conduct; or

17 (C) Deviate sexual activity as defined in § 5-14-101;

18 (2) Seduce, solicit, lure, or entice an individual that the  
19 person believes to be fifteen (15) years of age or younger in an effort to  
20 arrange a meeting with the individual for the purpose of engaging in:

21 (A) Sexual intercourse;

22 (B) Sexually explicit conduct; or

23 (C) Deviate sexual activity as defined in § 5-14-101;

24 (3) Compile, transmit, publish, reproduce, buy, sell, receive,  
25 exchange, or disseminate the name, telephone number, electronic mail address,  
26 residence address, picture, physical description, characteristics, or any  
27 other identifying information on a child fifteen (15) years of age or younger  
28 in furtherance of an effort to arrange a meeting with the child for the  
29 purpose of engaging in:

30 (A) Sexual intercourse;

31 (B) Sexually explicit conduct; or

32 (C) Deviate sexual activity as defined in § 5-14-101; or

33 (4) Compile, transmit, publish, reproduce, buy, sell, receive,  
34 exchange, or disseminate the name, telephone number, electronic mail address,  
35 residence address, picture, physical description, characteristics, or any  
36 other identifying information on an individual that the person believes to be

1 fifteen (15) years of age or younger in furtherance of an effort to arrange a  
2 meeting with the individual for the purpose of engaging in:

- 3 (A) Sexual intercourse;
- 4 (B) Sexually explicit conduct; or
- 5 (C) Deviate sexual activity as defined in § 5-14-101;

6 (b) Internet stalking of a child is a:

7 (1) Class C B felony if the person attempts to arrange a meeting  
8 with a child fifteen (15) years of age or younger, even if a meeting with the  
9 child never takes place; or

10 (2) Class C B felony if the person attempts to arrange a meeting  
11 with an individual that the person believes to be fifteen (15) years of age  
12 or younger, even if a meeting with the individual never takes place; or

13 (3) Class A felony if the person arranges a meeting with a  
14 child fifteen (15) years of age or younger and an actual meeting with the  
15 child takes place, even if the person fails to engage the child in any sexual  
16 activity.

17 (c) This section does not apply to a person or entity providing an  
18 electronic communications service to the public that is used by another  
19 person to violate this section, unless the person or entity providing an  
20 electronic communications service to the public:

- 21 (1) Conspires with another person to violate this section; or
- 22 (2) Knowingly aids and abets a violation of this section.

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24 SECTION 3. EMERGENCY CLAUSE. It is found and determined by the  
 25 General Assembly of the State of Arkansas that the current penalty  
 26 classification for the offense of indecent exposure is not adequate to  
 27 protect the children in this state from repeat offenders; that the Internet  
 28 is being used as a tool by people that are attempting to sexually victimize  
 29 children in the State of Arkansas; that the current penalty classification  
 30 for the offense of internet stalking of a child in certain situations is not  
 31 adequate to protect the children in this state; and that this act is  
 32 immediately necessary because of the public risk posed by sexual predators.  
 33 Therefore, an emergency is declared to exist and this act being immediately  
 34 necessary for the preservation of the public peace, health, and safety shall  
 35 become effective on:

- 36 (1) The date of its approval by the Governor;

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(2) If the bill is neither approved nor vetoed by the Governor, the expiration of the period of time during which the Governor may veto the bill; or

(3) If the bill is vetoed by the Governor and the veto is overridden, the date the last house overrides the veto.

*/s/ D. Creekmore, et al*

**APPROVED: 1/30/2007**