

1 State of Arkansas
2 93rd General Assembly
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4

As Engrossed: S4/19/21

A Bill

SENATE BILL 676

5 By: Senators D. Wallace, G. Leding, T. Garner
6 By: Representatives Gazaway, Wing, Dalby, Maddox
7

For An Act To Be Entitled

9 AN ACT TO BE KNOWN AS THE "JUSTICE FOR VULNERABLE
10 VICTIMS OF SEXUAL ABUSE ACT"; AND FOR OTHER PURPOSES.
11

Subtitle

14 TO BE KNOWN AS THE "JUSTICE FOR
15 VULNERABLE VICTIMS OF SEXUAL ABUSE ACT".
16
17

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

20 SECTION 1. Arkansas Code Title 16, Chapter 118, is amended to add an
21 additional section to read as follows:

22 16-118-117. Civil action for vulnerable victims of sexual abuse.

23 (a) As used in this section:

24 (1) "Disabled" means that a person was determined legally
25 disabled or determined medically disabled by a medical or mental
26 health provider at the time of the alleged wrongful conduct and was unable to
27 give legal consent;

28 (2) "Minor" means a person of under eighteen (18) years of age;

29 (3) "Sexual abuse" means the commission of one (1) or more of
30 the following acts or offenses:

31 (A) Rape, § 5-14-103;

32 (B) Sexual assault in the first degree, § 5-14-124;

33 (C) Sexual assault in the second degree, § 5-14-125;

34 (D) Engaging children in sexually explicit conduct for use
35 in visual or print medium, § 5-27-303;

36 (E) Transportation of minors for prohibited sexual



1 conduct, § 5-27-305;

2 (F) Use of children in sexual performances, § 5-27-401 et
3 seq.;

4 (G) Unlawful sexual contact with a vulnerable victim; and

5 (H) Unlawful sexually explicit conduct with a vulnerable
6 victim;

7 (4) "Sexual contact" means the same as defined in § 5-14-101;
8 and

9 (5) "Sexually explicit conduct" means the same as in § 5-27-302;
10 and

11 (6) "Vulnerable victim" means a person who was either disabled,
12 a minor, or both at the time he or she was a victim of sexual abuse.

13 (b)(1) Notwithstanding any other statute of limitation or any other
14 law that may be construed to reduce the statutory period set forth in this
15 section, before he or she reaches fifty-five (55) years of age a vulnerable
16 victim may bring a civil action against any party who committed sexual abuse
17 against the vulnerable victim or whose tortious conduct caused the vulnerable
18 victim to be a victim of sexual abuse.

19 (2) Notwithstanding any other statute of limitation or any other
20 law that may be construed to reduce the statutory period set forth in this
21 section, a civil action similar to a civil action described in subdivision
22 (b)(1) of this section, including a cause of action arising before, on, or
23 after the effective date of this act, that was barred or dismissed due to a
24 statute of limitation is revived, and the civil action may be commenced not
25 earlier than six (6) months after and not later than thirty (30) months after
26 the effective date of this act.

27 (c) This section does not apply to a claim that has been litigated to
28 finality on the merits in any court of competent jurisdiction before the
29 effective date of this act.

30 (d) The court may award actual damages, compensatory damages, punitive
31 damages, injunctive relief, or any other appropriate relief in a civil action
32 under this section.

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35 /s/D. Wallace

36 **APPROVED: 4/29/21**