

ARKANSAS SENATE
88th General Assembly - Regular Session, 2011
Amendment Form

Subtitle of Senate Bill No. 327

AN ACT TO INCREASE THE PENALTY FOR EXPOSING A CHILD TO PORTRAYALS OF
LIVE, RECORDED, OR PRINTED NUDITY OR SEX ACTS.

Amendment No. 4 to Senate Bill No. 327

Amend Senate Bill No. 327 as engrossed, S3/10/11 (version: 03/10/2011 08:39:42 AM)

Page 1, line 10, delete "LIVE, RECORDED, OR PRINTED NUDITY OR" and substitute "LIVE OR RECORDED"

AND

Delete the subtitle in its entirety and substitute:

"AN ACT TO INCREASE THE PENALTY FOR
EXPOSING A CHILD TO PORTRAYALS OF LIVE OR
RECORDED SEX ACTS."

AND

Delete everything after the enacting clause and substitute the following:

"SECTION 1. Arkansas Code § 5-14-110 is amended to read as follows: 21
5-14-110. Sexual indecency with a child.

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

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

- (A) Sexual intercourse;
- (B) Deviate sexual activity; or
- (C) Sexual contact;

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

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



(3) With the purpose to arouse or gratify a sexual desire of himself or herself or a sexual desire of any other person, the person purposely exposes his or her sex organs to a minor, and the actor is:

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

(B) A mandated reporter under § 12-18-402(b) and is in a position of trust or authority over the minor; or

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

(4) With the purpose to arouse or gratify his or her sexual desire or a sexual desire of another person, a person who is eighteen (18) years of age or older causes or coerces a minor to expose his or her sex organs to another person, and the actor is:

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

(B) A mandated reporter under § 12-18-402(b) and is in a position of trust or authority over the minor; or

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

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

(6)(A) Being eighteen (18) years of age or older with the purpose to arouse or gratify a sexual desire of himself or herself or a sexual desire of any other person who is less than fifteen (15) years of age, the person purposely exposes a minor to a recorded or printed portrayal of sexual intercourse, deviate sexual activity, sexual contact, sexual excitement, or sadomasochistic abuse.

(B) Subdivision (6)(A) of this section does not apply to married couples.

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

The Amendment was read the first time, rules suspended and read the second time and _____

By: Senator P. Malone
MGF/CDS - 03/16/11 02:29
MGF459

Secretary