

Stricken language would be deleted from present law. Underlined language would be added to present law.

1 State of Arkansas
2 81st General Assembly
3 Regular Session, 1997

A Bill

SENATE BILL 735

4
5 By: Senator Hunter

For An Act To Be Entitled

9 "AN ACT TO ALLOW FOR THE ENHANCEMENT OF PENALTIES FOR
10 SERIAL SEXUAL PREDATORS; AND FOR OTHER PURPOSES."

Subtitle

13 "TO ALLOW FOR THE ENHANCEMENT OF
14 PENALTIES FOR SERIAL SEXUAL PREDATORS."

15
16 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

17
18 SECTION 1. Arkansas Code 5-14-104 is amended to read as follows:

19 "5-14-104. Carnal abuse in the first degree.

20 (a) A person commits carnal abuse in the first degree if, being under
21 the age of eighteen (18) years, he engages in sexual intercourse or deviate
22 sexual activity with another person not his spouse who is less than fourteen
23 (14) years old. It is an affirmative defense to prosecution under this
24 subsection that the actor was not more than two (2) years older than the
25 victim.

26 (b) Carnal abuse in the first degree is a Class A felony for the first
27 offense and a Class Y felony for the second and subsequent offenses."

28
29 SECTION 2. Arkansas Code 5-14-105 is amended to read as follows:

30 "5-14-105. Carnal abuse in the second degree.

31 (a) A person commits carnal abuse in the second degree if he engages in
32 sexual intercourse or deviate sexual activity with another person not his
33 spouse who is incapable of consent because he is mentally defective or
34 mentally incapacitated.

35 (b) Carnal abuse in the second degree is a Class C felony for the first
36 offense, a Class B felony for the second offense, and a Class A felony for the

1 third and subsequent offenses."

2

3 SECTION 3. Arkansas Code 5-14-106 is amended to read as follows:

4 "5-14-106. Carnal abuse in the third degree.

5 (a) A person commits carnal abuse in the third degree if, being twenty
6 (20) years old or older, he engages in sexual intercourse or deviate sexual
7 activity with another person not his spouse who is less than sixteen (16)
8 years old.

9 (b) Carnal abuse in the third degree is a Class D felony for the first
10 offense, a Class C felony for the second offense, and a Class B felony for the
11 third and subsequent offenses."

12

13 SECTION 4. Arkansas Code 5-14-107 is amended to read as follows:

14 "5-14-107. Sexual misconduct.

15 (a) A person commits sexual misconduct if he engages in sexual
16 intercourse or deviate sexual activity with another person not his spouse who
17 is less than sixteen (16) years old.

18 (b) Sexual misconduct is a Class B misdemeanor for the first offense, a
19 Class A misdemeanor for the second offense, and a Class D felony for the third
20 and subsequent offenses."

21

22 SECTION 5. Arkansas Code 5-14-108 is amended to read as follows:

23 "5-14-108. Sexual abuse in the first degree.

24 (a) A person commits sexual abuse in the first degree if:

25 (1) He engages in sexual contact with another person by forcible
26 compulsion; or

27 (2) He engages in sexual contact with another person who is incapable
28 of consent because he is physically helpless; or

29 (3) Being eighteen (18) years old or older, he engages in sexual
30 contact with a person not his spouse who is less than fourteen (14) years old;
31 or

32 (4) He engages in sexual contact with a person who is less than sixteen
33 (16) years of age and who is incapable of consent because he is mentally
34 defective or mentally incapacitated.

35 (b) Sexual abuse in the first degree is a Class C felony for the first
36 offense, a Class B felony for the second offense, and a Class A felony for the

1 third and subsequent offenses."

2

3 SECTION 6. Arkansas Code 5-14-109 is amended to read as follows:

4 "5-14-109. Sexual abuse in the second degree.

5 (a) A person commits sexual abuse in the second degree if:

6 (1) He or she engages in sexual contact with another person not his or
7 her spouse who is incapable of consent because he or she is mentally defective
8 or mentally incapacitated;

9 (2) Being less than eighteen (18) years old, he or she engages in
10 sexual contact with a person not his or her spouse who is less than fourteen
11 (14) years old. It is an affirmative defense to prosecution under this
12 subdivision (a)(2) that the actor was not more than two (2) years older than
13 the victim; or

14 (3) He or she, being employed directly or through contract with the
15 Department of Correction or the Department of Community Punishment, engages in
16 sexual contact for the purpose of sexual gratification with any person in the
17 custody of the Department of Correction or the Department of Community
18 Punishment, the consent of the person in custody notwithstanding.

19 (b) Sexual abuse in the second degree is a Class A misdemeanor for the
20 first offense, a Class D felony for the second offense, and a Class C felony
21 for the third and subsequent offenses."

22

23 SECTION 7. Arkansas Code 5-14-110 is amended to read as follows:

24 "5-14-110. Sexual solicitation of a child.

25 (a) A person commits sexual solicitation of a child if, being eighteen
26 (18) years old or older, he solicits any person not his spouse who is less
27 than fourteen (14) years old to engage in sexual intercourse, deviate sexual
28 activity, or sexual contact.

29 (b) Sexual solicitation of a child is a Class D felony for the first
30 offense, a Class C felony for the second offense, and a Class B felony for the
31 third and subsequent offenses."

32

33 SECTION 8. Arkansas Code 5-14-120 is amended to read as follows:

34 "5-14-120. Violation of a minor in the first degree.

35 (a) A person commits the offense of violation of a minor in the first
36 degree if he engages in sexual intercourse or deviate sexual activity with

1 another person not his spouse, who is more than thirteen (13) years of age and
2 less than eighteen (18) years of age, and the actor is the minor's guardian,
3 an employee in the minor's school or school district, a temporary caretaker,
4 or a person in a position of trust or authority of the minor.

5 (b) Violation of a minor in the first degree is a Class C felony for
6 the first offense, a Class B felony for the second offense, and a Class A
7 felony for the third and subsequent offenses."

8

9 SECTION 9. Arkansas Code 5-14-121 is amended to read as follows:

10 "5-14-121. Violation of a minor in the second degree.

11 (a) A person commits the offense of violation of a minor in the second
12 degree if he engages in sexual contact with another person not his spouse, who
13 is more than thirteen (13) years of age and less than eighteen (18) years of
14 age, and the actor is the minor's guardian, an employee in the minor's school
15 or school district, a temporary caretaker, or a person in a position of trust
16 or authority of the minor.

17 (b) Violation of a minor in the second degree is a Class D felony for
18 the first offense, a Class C felony for the second offense, and a Class B
19 felony for the third and subsequent offenses."

20

21 SECTION 10. All provisions of this act of a general and permanent
22 nature are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas
23 Code Revision Commission shall incorporate the same in the Code.

24

25 SECTION 11. If any provision of this act or the application thereof to
26 any person or circumstance is held invalid, such invalidity shall not affect
27 other provisions or applications of the act which can be given effect without
28 the invalid provision or application, and to this end the provisions of this
29 act are declared to be severable.

30

31 SECTION 12. All laws and parts of laws in conflict with this act are
32 hereby repealed.

33

34

35