

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.

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

# A Bill

HOUSE BILL 1013

5 By: Representatives D. Creekmore, S. Prater  
6 By: Senator Broadway  
7

## For An Act To Be Entitled

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

## Subtitle

15 AN ACT TO INCREASE THE PENALTY  
16 CLASSIFICATION OF THE OFFENSES OF  
17 INDECENT EXPOSURE AND INTERNET STALKING  
18 OF A CHILD UNDER CERTAIN CIRCUMSTANCES.  
19  
20  
21

22 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
23

24 SECTION 1. Arkansas Code § 5-14-112 is amended to read as follows:  
25 5-14-112. Indecent exposure.

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

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

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

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

34 (2) For a fourth or fifth conviction within ten (10) years of a  
35 previous conviction, indecent exposure is a Class D felony.

36 (3) For a sixth conviction and each successive conviction within



1 ten (10) years of a previous conviction, indecent exposure is a Class C  
2 felony.

3  
4 SECTION 2. Arkansas Code § 5-27-306 is amended to read as follows:  
5 5-27-306. Internet stalking of a child.

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

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

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

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

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

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

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

31 (4) Compile, transmit, publish, reproduce, buy, sell, receive,  
32 exchange, or disseminate the name, telephone number, electronic mail address,  
33 residence address, picture, physical description, characteristics, or any  
34 other identifying information on an individual that the person believes to be  
35 fifteen (15) years of age or younger in furtherance of an effort to arrange a  
36 meeting with the individual for the purpose of engaging in:

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

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

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

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

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

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

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

21

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

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

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

1 bill; or

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

4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36