

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 1692

5 By: Representative D. Creekmore  
6 By: Senator Faris  
7

## For An Act To Be Entitled

10 AN ACT CONCERNING EMPLOYEES OF OR PERSONS  
11 CONTRACTING WITH AGENCIES PROVIDING SERVICES TO  
12 THE DEPARTMENT OF CORRECTION OR OTHER ENTITIES;  
13 AND FOR OTHER PURPOSES.  
14

## Subtitle

15 AN ACT CONCERNING EMPLOYEES OF OR  
16 PERSONS CONTRACTING WITH AGENCIES  
17 PROVIDING SERVICES TO THE DEPARTMENT OF  
18 CORRECTION OR OTHER ENTITIES.  
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22 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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24 SECTION 1. Arkansas Code § 5-14-126 is amended to read as follows:  
25 5-14-126. Sexual assault in the third degree.

26 (a) A person commits sexual assault in the third degree if the person:

27 (1) Engages in sexual intercourse or deviate sexual activity  
28 with another person who is not the actor's spouse, and the actor is:

29 (A) Employed with the Department of Correction, Department  
30 of Community Correction, Department of Health and Human Services, or any city  
31 or county jail, and the victim is in the custody of the Department of  
32 Correction, Department of Community Correction, Department of Health and  
33 Human Services, or any city or county jail; ~~or~~

34 (B) Employed or contracted with or otherwise providing  
35 services, supplies, or supervision to an agency maintaining custody of  
36 inmates, detainees, or juveniles, and the victim is in the custody of the



1 Department of Correction, Department of Community Correction, Department of  
2 Health and Human Services, or any city or county jail; or

3 (C) A professional under § 12-12-507(b) or a member of the  
4 clergy and is in a position of trust or authority over the victim and uses  
5 the position of trust or authority to engage in sexual intercourse or deviate  
6 sexual activity; or

7 (2)(A) Being under eighteen (18) years of age, engages in sexual  
8 intercourse or deviate sexual activity with another person who is:

9 (i) Less than fourteen (14) years of age; and

10 (ii) Not the person's spouse.

11 (B) It is an affirmative defense under this subdivision  
12 (a)(2) that the actor was not more than three (3) years older than the  
13 victim.

14 (b) It is no defense to a prosecution under this section that the  
15 victim consented to the conduct.

16 (c) Sexual assault in the third degree is a Class C felony.

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