

Stricken language would be deleted from and underlined language would be added to present law.

1 State of Arkansas  
2 88th General Assembly  
3 Regular Session, 2011  
4

*As Engrossed: S3/10/11 S3/17/11*

## A Bill

SENATE BILL 327

5 By: Senators P. Malone, J. Dismang, Irvin, Laverty, G. Jeffress, J. Jeffress, Madison, Salmon, Fletcher,  
6 Elliott, Teague, J. Taylor, L. Chesterfield, Crumbly, D. Wyatt, J. Key, *Rapert*

### For An Act To Be Entitled

9 AN ACT TO INCREASE THE PENALTY FOR EXPOSING A CHILD  
10 TO PORTRAYALS OF *LIVE OR RECORDED* SEX ACTS; AND FOR  
11 OTHER PURPOSES.

### Subtitle

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15 *AN ACT TO INCREASE THE PENALTY FOR*  
16 *EXPOSING A CHILD TO PORTRAYALS OF LIVE OR*  
17 *RECORDED SEX ACTS.*

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20 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

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22 *SECTION 1. Arkansas Code § 5-14-110 is amended to read as follows: 21*  
23 *5-14-110. Sexual indecency with a child.*

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

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

28 *(A) Sexual intercourse;*

29 *(B) Deviate sexual activity; or*

30 *(C) Sexual contact;*

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

35 *(B) It is an affirmative defense to a prosecution under*  
36 *subdivision (a)(2)(A) of this section if the person is within three (3) years*



1 of age of the victim; or

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

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

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

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

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

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

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

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

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

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

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

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

/s/P. Malone