

1 State of Arkansas *As Engrossed: H3/8/13*
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3 Regular Session, 2013

HOUSE BILL 1581

4

5 By: Representatives Leding, D. Meeks

6 *By: Senators Rapert, Elliott, Irvin*

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For An Act To Be Entitled

9 AN ACT CONCERNING VICTIMS OF THE OFFENSE OF HUMAN
10 TRAFFICKING; CONCERNING POSTING A NOTICE OF THE
11 NATIONAL HUMAN TRAFFICKING RESOURCE CENTER HOTLINE;
12 TO PROVIDE FOR THE EXPUNGEMENT OF CERTAIN CRIMINAL
13 CONVICTIONS; AND FOR OTHER PURPOSES.

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15

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Subtitle

17 CONCERNING VICTIMS OF THE OFFENSE OF
18 HUMAN TRAFFICKING; CONCERNING POSTING A
19 NOTICE OF THE NATIONAL HUMAN TRAFFICKING
20 RESOURCE CENTER HOTLINE; AND TO PROVIDE
21 FOR THE EXPUNGEMENT OF CERTAIN CRIMINAL
22 CONVICTIONS.

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

26

27 SECTION 1. Arkansas Code Title 3, Chapter 9, Subchapter 2, is amended
28 to add a new section to read as follows:

29 3-9-241. Private clubs - Posting information about the National Human
30 Trafficking Resource Center Hotline.

31 An entity governed by this subchapter shall post information about the
32 National Human Trafficking Resource Center Hotline as required under § 12-19-
33 102.

34

35 SECTION 2. Arkansas Code § 5-5-201(a), concerning crimes for which the
36 state may forfeit certain conveyances, is amended to read as follows:



1 (a) Upon conviction, any conveyance, including an aircraft, motor
2 vehicle, or vessel, ~~that is subject to forfeiture under this subchapter if it~~
3 ~~is used in the commission or attempt of: a burglary, robbery, theft, or~~
4 ~~arson, or an attempt to commit a burglary, robbery, theft, or arson, is~~
5 ~~subject subject to forfeiture as provided in this subchapter.~~

6 (1) A burglary;

7 (2) A robbery;

8 (3) A theft;

9 (4) An arson; or

10 (5) Trafficking of persons, § 5-18-103.

11
12 SECTION 3. Arkansas Code § 5-5-202(b)(2), concerning the seizure of
13 conveyances, is amended to read as follows:

14 (2) Any law enforcement agent has probable cause to believe that the
15 conveyance was used in the commission or attempt of ~~a burglary, robbery,~~
16 ~~theft, or arson, or an attempt to commit a burglary, robbery, theft, or~~
17 ~~arson.;~~

18 (A) A burglary;

19 (B) A robbery;

20 (C) A theft;

21 (D) An arson; or

22 (E) Trafficking of persons, § 5-18-103.

23
24 SECTION 4. Arkansas Code § 5-70-103(a)(1), concerning the elements of
25 the criminal offense of sexual solicitation, is amended to read as follows:

26 (1) Offers or agrees to pay a fee to a person to engage in
27 sexual activity with him or her or another person; or

28
29 SECTION 5. Arkansas Code Title 12, Chapter 19, as amended by Acts
30 2013, No. 132, is amended to add two new sections to read as follows:

31 12-19-102. Posting information about the National Human Trafficking
32 Resource Center Hotline.

33 (a) The following establishments shall post in a conspicuous place
34 near the entrance of the establishment, or where posters and notices of this
35 type customarily are posted, a poster described in subsection (b) of this
36 section measuring at least eight and one-half inches by eleven inches (8 1/2"

1 x 11") in size:

2 (1) A hotel, motel, or other establishment that has been cited
3 as a public nuisance for prostitution under § 20-27-401;

4 (2) A strip club or other sexually oriented business;

5 (3) A private club that has a liquor permit for on-premises
6 consumption;

7 (4) An airport;

8 (5) A train station that serves passengers; and

9 (6) A bus station.

10 (b)(1) The poster shall read:

11 "If you or someone you know is being forced to engage in any activity
12 and cannot leave – whether it is commercial sex, housework, farm work, or any
13 other activity – call the National Human Trafficking Resource Center Hotline
14 at 1-888-373-7888 to access help and services. Victims of human trafficking
15 are protected under United States and Arkansas state law.

16 The Hotline is:

- 17 • Available 24 hours a day, 7 days a week
- 18 • Toll-free
- 19 • Operated by a non-profit, non-governmental organization
- 20 • Anonymous and confidential
- 21 • Accessible in 170 languages
- 22 • Able to provide help, referral to services, training, and general
23 information"

24 (2) The poster shall be printed in English, Spanish, and any
25 other language mandated by the Voting Rights Act of 1965, 42 U.S.C. § 1973,
26 as it existed on January 1, 2013, in the county where the poster will be
27 posted.

28 (c) The poster shall be available on the websites of all of the
29 following:

30 (1) The Alcoholic Beverage Control Board where documents
31 associated with obtaining a liquor license or alcoholic beverage license are
32 customarily located;

33 (2) The Department of Labor; and

34 (3) The Arkansas State Highway and Transportation Department.

35 (d)(1) To obtain a copy of the poster required to be posted under this
36 section, the owners or operators of an establishment required to post the

1 notice under this section shall:

2 (A) Print the poster from any of the Internet websites in
3 subsection (c) of this section; or

4 (B) Request that the poster be mailed for the cost of
5 printing and first-class postage.

6 (2) The owner or operator shall post the sign in compliance with
7 subsection (a) of this section.

8 (e)(1) If the regulatory agency that licenses or permits an
9 establishment under this section finds that the establishment has failed to
10 post the information required under this section, the owner or operator shall
11 receive:

12 (A) For a first violation, a warning; and

13 (B) For a second or subsequent violation, a fine not to
14 exceed five hundred dollars (\$500).

15 (2) The violation of or noncompliance with this section, and
16 each day's continuance thereof, shall constitute a separate and distinct
17 violation.

18 (f) The civil fines in subsection (e) of this section do not apply to
19 establishments that are owned or operated by the State of Arkansas.

20
21 12-19-103. Development of a state plan.

22 The Department of Human Services shall develop a state protocol for
23 assisting victims of human trafficking with applying for federal and state
24 benefits and services to which they may be entitled.

25
26 SECTION 6. Arkansas Code Title 14, Chapter 1, Subchapter 3, is amended
27 to add a new section to read as follows:

28 14-1-308. Posting information about the National Human Trafficking
29 Resource Center Hotline.

30 An entity governed by this subchapter shall post information about the
31 National Human Trafficking Resource Center Hotline as required under § 12-19-
32 102.

33
34 SECTION 7. Arkansas Code Title 16, Chapter 90, Subchapter 1, is
35 amended to add a new section to read as follows:

36 16-90-123. Sealing certain convictions.

1 (a) As used in this section, “victim of human trafficking” means a
2 person who has been subjected to trafficking of persons, § 5-18-103, or any
3 former law of this state, law of another state, or federal law that is
4 substantially similiar.

5 (b)(1) A person convicted of prostitution, § 5-70-102, may file a
6 petition to seal the conviction under this section if it was obtained as a
7 result of the person having been a victim of human trafficking.

8 (2) A petition under this section may be filed at any time and
9 may be filed for a conviction imposed before, on, or after the effective date
10 of this act.

11 (3)(A) The court shall hold a hearing on the petition under this
12 section as provided in § 16-90-904.

13 (B) The court may dismiss the petition without a hearing
14 if the court finds that the petition fails to assert a claim for which relief
15 may be granted.

16 (4) The court shall grant the petition under this section if it
17 finds by a preponderance of the evidence that:

18 (A) The petitioner was convicted of prostitution, § 5-70-
19 102; and

20 (B) The conviction was obtained as a result of the
21 petitioner’s having been a victim of human trafficking.

22 (5) If the petition under this section is granted, the court
23 shall:

24 (A) Issue an order to seal the conviction; and

25 (B) With respect to the conviction for prostitution, § 5-
26 70-102, redact the petitioner’s name from all records and files related to
27 the petitioner’s:

28 (i) Arrest;

29 (ii) Citation;

30 (iii) Criminal investigation;

31 (iv) Criminal charge;

32 (v) Adjudication of guilt;

33 (vi) Criminal proceedings; and

34 (vii) Probation for the offense.

35 (6)(A) Official documentation by a federal, state, or local
36 government agency verifying that at the time of the conviction for

1 prostitution, § 5-70-102, the petitioner was a victim of human trafficking
2 creates a presumption under this section that the person's prostitution
3 conviction was obtained as a result of having been a victim of human
4 trafficking.

5 (B) Documentation under this subdivision (b)(6) is not
6 required to grant a petition under this section.

7 (C) Documentation under this subdivision (b)(6) may
8 include without limitation:

9 (i) Certified records of federal or state court
10 proceedings that demonstrate that the defendant was a victim of a trafficker
11 charged with a trafficking offense under state law or the Victims of
12 Trafficking and Violence Protection Act of 2000, 22 U.S.C. § 7101 et seq., as
13 it existed on January 1, 2013; or

14 (ii) Certified records of "approval notices" or "law
15 enforcement certifications" generated from federal immigration proceedings
16 available to victims of human trafficking.

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18 SECTION 8. Arkansas Code Title 20, Chapter 26, Subchapter 2, is
19 amended to add a new section to read as follows:

20 20-26-207. Posting information about the National Human Trafficking
21 Resource Center Hotline.

22 An entity governed by this subchapter shall post information about the
23 National Human Trafficking Resource Center Hotline as required under § 12-19-
24 102.

25
26 SECTION 9. Arkansas Code Title 23, Chapter 12, Subchapter 6, is
27 amended to add a new section to read as follows:

28 23-12-614. Posting information regarding National Human Trafficking
29 Resource Center Hotline.

30 A passenger train station governed by this subchapter shall post
31 information about the National Human Trafficking Resource Center Hotline as
32 required under § 12-19-102.

33
34 SECTION 10. Arkansas Code § 27-115-108(a), concerning the duties of
35 the Arkansas Department of Aeronautics, is amended to add a new subdivision
36 to read as follows:

