

1 State of Arkansas
2 92nd General Assembly
3 Regular Session, 2019
4

As Engrossed: H3/20/19 S4/4/19

A Bill

HOUSE BILL 1695

5 By: Representatives Scott, Petty
6

For An Act To Be Entitled

8 AN ACT TO PROTECT CHILDREN WHO ARE BEING TRAFFICKED
9 FROM BEING PROSECUTED FOR PROSTITUTION; AND FOR OTHER
10 PURPOSES.
11

Subtitle

12
13
14 TO PROTECT CHILDREN WHO ARE BEING
15 TRAFFICKED FROM BEING PROSECUTED FOR
16 PROSTITUTION.
17

18
19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
20

21 SECTION 1. Arkansas Code § 5-70-102 is amended to read as follows:
22 5-70-102. Prostitution.

23 (a) A person commits prostitution if in return for or in expectation
24 of a fee he or she engages in or agrees or offers to engage in sexual
25 activity with any other person.

26 (b) Prostitution is a:

27 (1) Class B misdemeanor for the first offense; and

28 (2) Class A misdemeanor for a second or subsequent offense under
29 this section.

30 (c) ~~It is an affirmative defense to prosecution that the person~~
31 ~~engaged in~~ It is not an offense under this section if at the time of the
32 person's commission of or arrest for an act that meets the elements of the
33 offense of prostitution, as a result of being the person was a victim of
34 trafficking of persons, § 5-18-103.

35 (d)(1) *If a law enforcement agency is investigating an offense under*
36 *this section that has allegedly been committed by a minor, the law*



1 enforcement agency shall make every effort to determine whether the minor, at
2 the time of the offense, was a victim of trafficking of persons, § 5-18-103.

3 (2) If a determination under subdivision (d)(1) of this section
4 is made that the minor was a victim of trafficking of persons, § 5-18-103,
5 the law enforcement agency investigating the offense shall immediately notify
6 the prosecuting attorney.

7 ~~(d)~~(e) In addition to any other sentence authorized by this section, a
8 person who violates this section by offering to pay, agreeing to pay, or
9 paying a fee to engage in sexual activity upon conviction shall be ordered to
10 pay a fine of two hundred fifty dollars (\$250) to be deposited into the Safe
11 Harbor Fund for Sexually Exploited Children.

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

/s/Scott