

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

A Bill

HOUSE BILL 1789

5 By: Representatives Penzo, *Christiansen, Coleman, C. Cooper, Della Rosa, Hollowell, Lundstrum,*
6 *Pilkington, Rye, B. Smith*
7 By: Senators *B. Ballinger, L. Eads*
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For An Act To Be Entitled

9
10 *AN ACT TO AMEND THE LAW CONCERNING THE OFFENSE OF*
11 *TRAFFICKING; TO CREATE AN OFFENSE FOR THE UNLAWFUL*
12 *SOLICITATION FOR THE RELINQUISHMENT OF PARENTAL*
13 *RIGHTS; AND FOR OTHER PURPOSES.*
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Subtitle

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17 *TO AMEND THE LAW CONCERNING THE OFFENSE*
18 *OF TRAFFICKING; AND TO CREATE AN OFFENSE*
19 *FOR THE UNLAWFUL SOLICITATION FOR THE*
20 *RELINQUISHMENT OF PARENTAL RIGHTS.*
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23 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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25 SECTION 1. Arkansas Code § 5-18-103(a), concerning the elements for
26 the offense of trafficking of persons, is amended to read as follows:

27 (a) A person commits the offense of trafficking of persons if he or
28 she knowingly:

29 (1) Recruits, harbors, transports, obtains, entices, solicits,
30 isolates, provides, or maintains a person knowing that the person will be
31 subjected to involuntary servitude;

32 (2) Benefits financially or benefits by receiving anything of
33 value from participation in a venture under subdivision (a)(1) of this
34 section;

35 (3) Subjects a person to involuntary servitude;

36 (4) Recruits, entices, solicits, isolates, harbors, transports,



1 provides, maintains, or obtains a minor for commercial sexual activity; ~~or~~

2 (5) Sells or offers to sell travel services that he or she knows
 3 ~~includes~~ include an activity prohibited under subdivisions (a)(1)-(4) of this
 4 section;

5 (6) Recruits, entices, solicits, isolates, harbors, transports,
 6 provides, maintains, or obtains a pregnant woman for the purpose of causing
 7 the pregnant woman by the use of or threatened use of physical force to place
 8 the baby who is not yet born for adoption; or

9 (7) Benefits financially or benefits by receiving anything of
 10 value from participating in an act described under subdivision (a)(6) of this
 11 section.

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 13 SECTION 2. Arkansas Code Title 5, Chapter 26, Subchapter 2, is amended
 14 to add an additional section to read as follows:

15 5-26-204. Unlawful solicitation for the relinquishment of parental
 16 rights.

17 (a)(1) A person commits the offense of unlawful solicitation for the
 18 relinquishment of parental rights in the first degree if in exchange for
 19 consenting to the person or another person placing a baby who is not yet born
 20 for adoption the person offers anything of value prohibited or not permitted
 21 under § 9-9-206 to the:

22 (A) Biological mother of the baby who is not yet born;

23 (B) Biological or putative father of the baby who is not
 24 yet born;

25 (C) Spouse, partner, or other relative of the biological
 26 mother of the baby who is not yet born; or

27 (D) Spouse, partner, or other relative of the biological
 28 or putative father of the baby who is not yet born.

29 (2) Unlawful solicitation for the relinquishment of parental
 30 rights in the first degree is a:

31 (A) Class A felony if the person uses duress, coercion,
 32 undue influence, intimidation, a threat, fraud, or physical force to
 33 influence an individual listed in subdivisions (a)(1)(A)-(D) of this section
 34 to allow the person or another person to place the baby who is not yet born
 35 for adoption; or

36 (B) Class C felony if otherwise committed.

1 (b)(1) A person commits the offense of unlawful solicitation for the
2 relinquishment of parental rights in the second degree if in exchange for
3 consenting to the person adopting a baby who is not yet born the person
4 offers anything of value prohibited or not permitted under § 9-9-206 to the:

5 (A) Biological mother of the baby who is not yet born;

6 (B) Biological or putative father of the baby who is not
7 yet born;

8 (C) Spouse, partner, or other relative of the biological
9 mother of the baby who is not yet born; or

10 (D) Spouse, partner, or other relative of the biological
11 or putative father of the baby who is not yet born.

12 (2) Unlawful solicitation for the relinquishment of parental
13 rights in the second degree is a:

14 (A) Class D felony if the person uses duress, coercion,
15 undue influence, intimidation, a threat, fraud, or physical force to
16 influence an individual listed in subdivisions (b)(1)(A)-(D) of this section
17 to consent to the person or another person adopting the baby who is not yet
18 born; or

19 (B) Class A misdemeanor if otherwise committed.

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23 /s/Penzo
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