

INTERIM STUDY PROPOSAL 2021-123

State of Arkansas
93rd General Assembly
Third Extraordinary Session, 2021

A Bill

**BPG/BPG
HOUSE BILL**

By: Representative C. Fite

Filed with: Arkansas Legislative Council
pursuant to A.C.A. §10-3-217.

For An Act To Be Entitled

AN ACT DEFINING "CHILD SEXUAL ABUSE MATERIAL" IN THE
ARKANSAS CODE; MAKING TECHNICAL CORRECTIONS; AND FOR
OTHER PURPOSES.

Subtitle

DEFINING "CHILD SEXUAL ABUSE MATERIAL" IN
THE ARKANSAS CODE; AND MAKING TECHNICAL
CORRECTIONS.

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

SECTION 1. Arkansas Code § 5-1-109(a)(2)(E), concerning the statute of limitations for offenses, is amended to read as follows:

(E) ~~Computer child pornography~~ Possession or use of child sexual abuse material, § 5-27-603.

SECTION 2. Arkansas Code § 5-4-703(a)(14), concerning offenses committed against a child or in the presence of a child, is amended to read as follows:

(14) Distributing, possessing, or viewing of matter depicting sexually explicit conduct involving a child, § 5-27-602, ~~computer child pornography~~ possession or use of child sexual abuse material, § 5-27-603, failure to report ~~child pornography~~ existence of child sexual abuse material, § 5-27-604, or computer exploitation of a child, § 5-27-605;

SECTION 3. Arkansas Code § 5-27-603 is amended to read as follows:

5-27-603. ~~Computer child pornography~~ Possession or use of child sexual abuse material.

1 (a) A person commits ~~computer child pornography~~ possession or use of child sexual abuse
2 material if the person knowingly:

3 (1) Compiles, enters into, or transmits by means of computer, makes, prints, publishes,
4 or reproduces by other computerized means, knowingly causes or allows to be entered into or transmitted
5 by means of computer or buys, sells, receives, exchanges, or disseminates any notice, statement, or
6 advertisement or any child's name, telephone number, place of residence, physical characteristics, or
7 other descriptive or identifying information for purposes of facilitating, encouraging, offering, or soliciting
8 sexually explicit conduct of or with any child or another individual believed by the person to be a child, or
9 the visual depiction of the conduct; or

10 (2) Utilizes a computer online service, ~~Internet internet~~ service, or local bulletin board
11 service to seduce, solicit, lure, or entice or attempt to seduce, solicit, lure, or entice a child or another
12 individual believed by the person to be a child, to engage in sexually explicit conduct.

13 (b) ~~Computer child pornography~~ Possession or use of child exual abuse material is a Class B
14 felony.

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16 SECTION 4. Arkansas Code § 5-27-604 is amended to read as follows:

17 5-27-604. Failure to report ~~computer child pornography~~ existence of child sexual abuse material.

18 (a) A person commits failure to report ~~computer child pornography~~ existence of child sexual
19 abuse material if the person:

20 (1) Is the owner, operator, or employee of a computer online service, ~~Internet internet~~
21 service, or bulletin board service; and

22 (2) Knowingly fails to notify a law enforcement official that a subscriber is using the
23 computer online service, ~~Internet internet~~ service, or bulletin board service to commit a violation of § 5-27-
24 603.

25 (b) Failure to report ~~computer child pornography~~ existence of child sexual abuse material is a
26 Class A misdemeanor.

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28 SECTION 5. Arkansas Code § 6-17-410(c)(24), concerning the licensure for elementary and
29 secondary education, is amended to read as follows:

30 (24) ~~Computer child pornography~~ Possession or
31 use of child sexual abuse material as prohibited in § 5-27-603;

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33 SECTION 6. Arkansas Code § 6-17-414(b)(24), concerning the licensure for elementary and
34 secondary education, is amended to read as follows:

35 (24) ~~Computer child pornography~~ Possession or use of child sexual abuse material as
36 prohibited in § 5-27-603;

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SECTION 7. Arkansas Code § 12-12-104(f)(2)(L), concerning the definition of "sex offense", is amended to read as follows:

(L) ~~Computer child pornography~~ Possession or use of child sexual abuse material, § 5-27-603;

SECTION 8. Arkansas Code § 12-12-903(13)(A)(i)(t), concerning the sex offender registration act of 1997, is amended to read as follows:

(t) ~~Computer child pornography~~ Possession or use of child sexual abuse material, § 5-27-603;

SECTION 9. Arkansas Code § 16-90-1101(6)(L), concerning the definition of "sex offense", is amended to read as follows:

(L) ~~Computer child pornography~~ Possession or use of child sexual abuse material, § 5-27-603;

SECTION 10. Arkansas Code § 17-3-102(a)(25), concerning license restrictions based on criminal records, is amended to read as follows:

(25) ~~Computer child pornography~~ Possession or use of child sexual abuse material as prohibited in § 5-27-603;

SECTION 11. Arkansas Code § 18-16-112(a)(4)(A)(xix), concerning the definition of "sex crime", is amended to read as follows:

(xix) ~~Computer child pornography~~ Possession or use of child sexual abuse material, § 5-27-603;

SECTION 12. Arkansas Code § 20-13-1106(a)(1)(GG), concerning disqualifying offenses for emergency medical services, is amended to read as follows:

(GG) ~~Computer child pornography~~ Possession or use of child sexual abuse material as prohibited in § 5-27-603;

SECTION 13. Arkansas Code § 21-15-102(f)(31), concerning criminal background checks, is amended to read as follows:

(31) ~~Computer child pornography~~ Possession or use of child sexual abuse material, as prohibited in § 5-27-603;

1 SECTION 14. Arkansas Code § 21-15-103(g)(31), concerning criminal background checks, is
2 amended to read as follows:

3 (31) ~~Computer-child pornography~~ Possession or use of child sexual abuse material, as
4 prohibited in § 5-27-603;

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6 SECTION 15. Arkansas Code § 21-15-104(c)(18), concerning a waiver of exclusion or discharge
7 requirement for persons in designated positions, is amended to read as follows:

8 (18) ~~Computer-child pornography~~ Possession or use of child sexual abuse material, § 5-
9 27-603;

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12 Referred by Representative C. Fite

13 Prepared by: BPG/BPG

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