

1 State of Arkansas
2 89th General Assembly
3 Regular Session, 2013
4

A Bill

SENATE BILL 977

5 By: Senators J. Dismang, E. Williams
6

For An Act To Be Entitled

8 AN ACT TO CLARIFY WHO COMMITS THE CRIME OF SEXUAL
9 ASSAULT IN THE FIRST DEGREE; AND FOR OTHER PURPOSES.

Subtitle

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12 TO CLARIFY WHO COMMITS THE CRIME OF
13 SEXUAL ASSAULT IN THE FIRST DEGREE.
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17 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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19 SECTION 1. Arkansas Code § 5-14-124(a), concerning sexual assault in
20 the first degree, is amended to read as follows:

21 (a) A person commits sexual assault in the first degree if:

22 (1) The ~~(1) the~~ person engages in sexual intercourse or deviate
23 sexual activity with a minor who is not the actor's spouse and the actor is:

24 ~~(1)(A)~~ Employed with the Department of Correction, the
25 Department of Community Correction, the Department of Human Services, or any
26 city or county jail or a juvenile detention facility, and the victim is in
27 the custody of the Department of Correction, the Department of Community
28 Correction, the Department of Human Services, any city or county jail or
29 juvenile detention facility, or their contractors or agents;

30 ~~(2)(B)~~ A mandated reporter under § 12-18-402(b) and is in a
31 position of trust or authority over the victim and uses the position of trust
32 or authority to engage in sexual intercourse or deviate sexual activity; or

33 ~~(3)(C)~~ An employee in the victim's school or school district, a
34 temporary caretaker, or a person in a position of trust or authority over the
35 victim; or

36 (2) The person is a teacher, principal, athletic coach, or



1 counselor in a public or private school in kindergarten through grade twelve
2 (K-12) and the actor;

3 (A) Engages in sexual intercourse or deviate sexual
4 activity with a person who is not the actor's spouse and the victim is:

5 (i) Less than twenty-one (21) years of age; and

6 (ii) A student enrolled in the public or private
7 school employing the actor; and

8 (B) Is in a position of trust or authority over the victim
9 and uses his or her position of trust or authority over the victim to engage
10 in sexual intercourse or deviate sexual activity.

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13 **APPROVED: 04/10/2013**
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