

1 State of Arkansas
2 94th General Assembly
3 Regular Session, 2023
4

A Bill

HOUSE BILL 1028

5 By: Representative C. Fite
6 By: Senator J. Petty
7

For An Act To Be Entitled

9 AN ACT TO REPLACE THE TERM "CHILD PORNOGRAPHY" WITH
10 THE TERM "CHILD SEXUAL ABUSE MATERIAL" IN THE
11 ARKANSAS CODE; AND FOR OTHER PURPOSES.
12
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Subtitle

15 TO REPLACE THE TERM "CHILD PORNOGRAPHY"
16 WITH THE TERM "CHILD SEXUAL ABUSE
17 MATERIAL" IN THE ARKANSAS CODE.
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20 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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22 SECTION 1. Arkansas Code § 5-1-109(a)(2)(E), concerning the statute of
23 limitations for offenses, is amended to read as follows:

24 (E) ~~Computer child pornography~~ Possession or use of child
25 sexual abuse material, § 5-27-603.
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27 SECTION 2. Arkansas Code § 5-4-703(a)(14), concerning offenses
28 committed against a child or in the presence of a child, is amended to read
29 as follows:

30 (14) Distributing, possessing, or viewing of matter depicting
31 sexually explicit conduct involving a child, § 5-27-602, ~~computer child~~
32 ~~pornography~~ possession or use of child sexual abuse material, § 5-27-603,
33 failure to report ~~child pornography~~ the existence of child sexual abuse
34 material, § 5-27-604, or computer exploitation of a child, § 5-27-605;
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36 SECTION 3. Arkansas Code § 5-27-603 is amended to read as follows:



1 5-27-603. ~~Computer child pornography~~ Possession or use of child sexual
 2 abuse material.

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

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

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

20 (b) ~~Computer child pornography~~ Possession or use of child sexual abuse
 21 material is a Class B felony.

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

24 5-27-604. Failure to report ~~computer child pornography~~ existence of
 25 child sexual abuse material.

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

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

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

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

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 36 SECTION 5. Arkansas Code § 6-17-410(c)(24), concerning licensure for

1 elementary and secondary education, is amended to read as follows:

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

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 5 SECTION 6. Arkansas Code § 6-17-414(b)(24), concerning eligibility for
 6 employment for nonlicensed substitute teachers, is amended to read as
 7 follows:

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

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

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

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 16 SECTION 8. Arkansas Code § 12-12-903(13)(A)(i)(t), concerning the Sex
 17 Offender Registration Act of 1997, is amended to read as follows:

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

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

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

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

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

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

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

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 36 SECTION 12. Arkansas Code § 20-13-1106(a)(1)(GG), concerning

1 disqualifying offenses for emergency medical services, is amended to read as
2 follows:

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

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

8 (31) ~~Computer child pornography~~
9 Possession or use of child sexual abuse material, as prohibited in § 5-27-
10 603;

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

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

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

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

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APPROVED: 1/30/23