

ARKANSAS SENATE
89th General Assembly - Regular Session, 2013
Amendment Form

Subtitle of Senate Bill No. 1022

AMENDING THE OFFENSE OF SEXUAL ASSAULT IN THE FOURTH DEGREE AND PROVIDING AN
AFFIRMATIVE DEFENSE.

Amendment No. 1 to Senate Bill No. 1022

Amend Senate Bill No. 1022 as originally introduced:

Delete everything after the enacting clause and substitute:

"SECTION 1. Arkansas Code § 5-14-127 is amended to read as follows:
5-14-127. Sexual assault in the fourth degree.

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

(1) Being ~~twenty (20)~~ eighteen (18) years of age or older:

(A) Engages in sexual intercourse or deviate sexual activity with another person who is:

(i) Less than sixteen (16) years of age; and

(ii) Not the person's spouse; or

(B) Engages in sexual contact with another person who is:

(i) Less than sixteen (16) years of age; and

(ii) Not the person's spouse; or

(2) Engages in sexual contact with another person who is not the actor's spouse, and the actor is employed with the Department of Correction, Department of Community Correction, Department of Human Services, or any city or county jail, and the victim is in the custody of the Department of Correction, Department of Community Correction, Department of Human Services, or a city or county jail.

(b)(1) Sexual assault in the fourth degree under subdivisions (a)(1)(A) and (a)(2) of this section is a Class D felony.

(2) Sexual assault in the fourth degree under subdivision (a)(1)(B) of this section is a Class A misdemeanor if the person engages only in sexual contact with another person as described in subdivision (a)(1)(B) of this section.

(c) It is an affirmative defense to a prosecution under subdivision (a)(1) of this section that the actor was not more than three (3) years older than the victim."



The Amendment was read the first time, rules suspended and read the second time and _____

By: Senator Irvin

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Secretary