

Hall of the House of Representatives

93rd General Assembly - Regular Session, 2021

Amendment Form

Subtitle of House Bill No. 1554

TO ESTABLISH SAFE HARBOR PROVISIONS FOR VICTIMS OF HUMAN TRAFFICKING; AND TO
ESTABLISH AN AFFIRMATIVE DEFENSE.

Amendment No. 3 to House Bill 1554

Amend House Bill No. 1554 as engrossed H3/9/21 (version: 03/09/2021 11:42:09 AM):

Delete SECTION 1 in its entirety and substitute the following:

"SECTION 1. Arkansas Code Title 5, Chapter 2, Subchapter 2, is amended to add an additional section to read as follows:

5-2-210. Human trafficking – Affirmative defense.

(a) As used in this section, "victim of trafficking of persons" means a person who has been subjected to trafficking of persons, § 5-18-103.

(b) It is an affirmative defense to an offense listed under subsection (c) of this section if at the time a person engaged in the conduct charged to constitute the offense the person was:

(1) A victim of trafficking of persons; and

(2) Engaged in the offense as a result of the trafficking of persons.

(c) The affirmative defense under this section may be raised only in a prosecution for one (1) or more of the following offenses:

(1) Forgery, § 5-37-201;

(2) Defrauding a prospective adoptive parent, § 5-37-216;

(3) A prostitution offense under § 5-70-101 et seq.;

(4) Obscene performance at a live public show, § 5-68-305; or

(5) A controlled substance offense under § 5-64-401 et seq."

AND

Page 1, delete line 34, and substitute the following:

"SECTION 2. Arkansas Code § 5-18-102(5)(B), concerning the definition of "involuntary servitude" as used in the Human Trafficking Act of 2013, is amended to read as follows:

(B) Abuse or threatened abuse of ~~the law or~~ legal process;

SECTION 3. Arkansas Code § 5-18-102, concerning definitions used in"

AND



Page 3, delete lines 2 through 10, and substitute the following:

"(D) Abuse or threatened abuse of law or legal process;

(E) Any scheme, plan, or pattern that has a purpose to cause the pregnant woman to believe that, if the pregnant woman does not place the unborn child for adoption, a person would suffer serious physical injury or physical restraint; or

(F) Means of serious harm or threats of serious harm to a person; or

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

AND

Appropriately renumber the sections of the bill

The Amendment was read _____
By: Representative Penzo
BPG/BPG - 04-13-2021 09:23:10
BPG534

Chief Clerk