



*Arkansas
Sentencing
Commission*

**Impact Assessment for HB1013
Sponsored by Representative D. Meeks**

Subtitle CONCERNING THE CRIMINAL OFFENSE OF INTERNET STALKING OF A CHILD.

Impact Summary¹ Cannot be determined.

Change from current law² Amends Arkansas Code Annotated § 5-27-306, Internet stalking of a child. In addition to making technical changes, the proposed bill adds a new course of conduct for which an offender may be convicted under this provision and makes changes to the penalty provisions, including raising the Class A felony to a Class Y felony.

The proposed bill creates a new course of conduct for which an offender may be convicted under this provision. Under the proposed bill, a person commits the offense of Internet stalking of a child if:

- The offender arranges a meeting with another person who holds himself or herself out as the parent, guardian, family member, or other person of authority over
 - a child fifteen (15) years of age or younger or
 - an individual that the offender believes to be fifteen (15) years of age or younger
- in order to seduce, solicit, lure, or entice
 - the child fifteen (15) years of age or younger or
 - the individual held out to be fifteen (15) years of age or younger
- for the purpose of engaging in sexual intercourse, sexually explicit conduct, or deviate sexual activity.

The proposed bill also modifies the penalty provisions of A.C.A. § 5-27-306.

- Under current law, Internet stalking of a child is a Class B felony if the offender arranges a meeting with a child or individual held out to be fifteen (15) years of age or younger, even if the meeting never takes place. The proposed law adds arranging a meeting with the person of authority over a child or individual held out to be fifteen (15) years of age or younger to the conduct constituting a Class B felony, even if the meeting never takes place.
- Under current law, a violation of A.C.A. § 5-27-306 constitutes a Class A felony if the offender arranges a meeting with a child fifteen (15) years of age or younger and the meeting actually takes

¹ This impact assessment was prepared (1/25/2017, 4:03 p.m.) by the staff of the Arkansas Sentencing Commission pursuant to A. C. A. § 16-90-802(d)(6) with data supplied by the Arkansas Department of Correction and the Administrative Office of the Courts. A micro-simulation model may be used for bills which have the potential for significant impact on correctional resources. The following designations will be used: “minimal” = less than 10 offenders per year will be affected; “medium” = would require budgetary increases for ADC inmate costs; and “major” = would require budgetary increases for ADC inmate costs and construction costs for additional beds.

² Standard punishment ranges:

Class Y	10-40 years or life	Class C	3-10 years; up to \$10,000	Misdemeanors	
Class A	6-30 years; up to \$15,000	Class D	0-6 years; up to \$10,000	Class A	Up to 1 year; up to \$2,500
Class B	5-20 years; up to \$15,000	Unclassified	As specified in statute	Class B	Up to 90 days; up to \$1,000
				Class C	Up to 30 days; up to \$500

place. The proposed law raises this penalty to a Class Y felony. The proposed bill also adds arranging a meeting with an individual the offender believes to be fifteen (15) years of age or younger to the conduct constituting the newly proposed Class Y felony if the meeting actually takes place.

The proposed bill also adds to the means of contact which constitute Internet stalking of a child. Under the law as currently written, a person must use a computer online service, Internet service, or local internet bulletin board service to contact his or her intended victim. The proposed bill adds any other means of electronic communication to this list.

Impact Information

Because this proposed bill creates a new course of conduct for committing this offense, data is unavailable as to the likely number of convictions per year. Additionally, data on convictions for A.C.A. § 5-27-306, Internet stalking of a child, as currently written, does not distinguish between the various courses of conduct constituting the offense. Therefore, the number of convictions for the Class B felony which would be a Class Y felony under the proposed bill cannot be determined. Because of this missing data, the overall impact of this proposed bill cannot be determined.

The following numbers are provided for informational purposes only. The Arkansas Department of Correction reports the following information as of January 5, 2017: There are twenty-five (25) inmates serving a sentence for which A.C.A. § 5-27-306(b)(1), Internet stalking of a child, Class B felony, where the offender attempts to arrange a meeting with a child fifteen (15) years of age or younger, as currently written, is the most serious offense. There are four (4) inmates serving a sentence for which A.C.A. § 5-27-306(b)(2), Internet stalking of a child, Class A felony, where the offender arranges a meeting with a child fifteen (15) years of age or younger, as currently written, is the most serious offense.

A.C.A. § 5-27-306. Internet stalking of a child.

(a) A person commits the offense of internet stalking of a child if the person being twenty-one (21) years of age or older knowingly uses a computer online service, internet service, or local internet bulletin board service to:

(1) Seduce, solicit, lure, or entice a child fifteen (15) years of age or younger in an effort to arrange a meeting with the child for the purpose of engaging in:

- (A) Sexual intercourse;
- (B) Sexually explicit conduct; or
- (C) Deviate sexual activity;

(2) Seduce, solicit, lure, or entice an individual that the person believes to be fifteen (15) years of age or younger in an effort to arrange a meeting with the individual for the purpose of engaging in:

- (A) Sexual intercourse;
- (B) Sexually explicit conduct; or
- (C) Deviate sexual activity;

(3) Compile, transmit, publish, reproduce, buy, sell, receive, exchange, or disseminate the name, telephone number, electronic mail address, residence address, picture, physical description, characteristics, or any other identifying information on a child fifteen (15) years of age or younger in furtherance of an effort to arrange a meeting with the child for the purpose of engaging in:

- (A) Sexual intercourse;
- (B) Sexually explicit conduct; or
- (C) Deviate sexual activity;

(4) Compile, transmit, publish, reproduce, buy, sell, receive, exchange, or disseminate the name, telephone number, electronic mail address, residence address, picture, physical description, characteristics, or any other identifying information on an individual that the person believes to be fifteen (15) years of age or younger in furtherance of an effort to arrange a meeting with the individual for the purpose of engaging in:

- (A) Sexual intercourse;
- (B) Sexually explicit conduct; or
- (C) Deviate sexual activity.

(b) Internet stalking of a child is a:

(1) Class B felony if the person attempts to arrange a meeting with a child fifteen (15) years of age or younger, even if a meeting with the child never takes place;

(2) Class B felony if the person attempts to arrange a meeting with an individual that the person believes to be fifteen (15) years of age or younger, even if a meeting with the individual never takes place; or

(3) Class A felony if the person arranges a meeting with a child fifteen (15) years of age or younger and an actual meeting with the child takes place, even if the person fails to engage the child in:

- (A) Sexual intercourse;
- (B) Sexually explicit conduct; or
- (C) Deviate sexual activity.

(c) This section does not apply to a person or entity providing an electronic communications service to the public that is used by another person to violate this section, unless the person or entity providing an electronic communications service to the public:

- (1) Conspires with another person to violate this section; or
- (2) Knowingly aids and abets a violation of this section.

HISTORY: Acts 2005, No. 1776, § 1; 2007, No. 38, § 2; 2007, No. 827, §§ 36, 37.