



ARKANSAS SENTENCING COMMISSION

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Impact Assessment for HB1151 Sponsored by Representative Vaught

Subtitle TO AMEND THE LAW CONCERNING SEXUALLY GROOMING A CHILD; TO AMEND THE MAXIMUM AGE FOR A VICTIM FOR THE OFFENSE OF SEXUALLY GROOMING A CHILD; AND TO INCREASE THE PENALTY FOR SEXUALLY GROOMING A CHILD.

Impact Summary¹ Cannot be determined. The proposed bill amends the offense of Sexually grooming a child, by creating new courses of conduct, amending existing courses of conduct, and increasing penalties for new and existing courses of conduct. Available data is not sufficient to determine the projected impact of the proposed bill.

Change from Current Law² Amends Arkansas Code Annotated § 5-27-307, Sexually grooming a child. The proposed bill amends A.C.A. § 5-27-307, Sexually grooming a child, to raise the age of a person who may be a victim of Sexually grooming a child from less than thirteen (13) years of age to less than sixteen (16) years of age.

The proposed bill also creates a new course of conduct by which a person can commit Sexually grooming a child. Under the proposed bill, a person commits the offense of Sexually grooming a child if he or she offers, gives, or agrees to give money, anything of value, or any other benefit to a child sixteen (16) years of age or younger with the purpose to induce the child not to disclose information regarding certain sexual offenses committed against the child. [see full text of the bill for complete list of offenses]

The proposed bill amends the penalties for committing A.C.A. § 5-27-307, Sexually grooming a child. Under current law, the penalty for committing A.C.A. § 5-27-307, Sexually grooming a child, is a Class D felony if the actor is twenty-one (21) years of age or older and a Class A misdemeanor if the actor is younger than twenty-one (21) years of age. Under the proposed bill, the penalty for committing the existing course of conduct in A.C.A. § 5-27-307 is increased to a Class B felony if the actor is twenty-one (21) years of age or older. The penalty for committing the new course of conduct under the proposed bill is a Class C felony if the actor is twenty-one (21) years of age or older, and a Class A misdemeanor if the actor is younger than twenty-one (21) years of age.

The proposed bill also adjusts internal language to ensure consistency with the increased age of a potential victim. [see attached reproduction of A.C.A. § 5-27-307, Sexually grooming a child.]

Impact Information The Administrative Office of the Courts (AOC) reports that for the three (3) year period beginning on 1/1/2020 and ending on 12/31/2022, there were twenty-three (23) felony convictions for a violation of

¹ This impact assessment was prepared 1/30/2023 7:20 AM 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 Corrections 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 A 6-30 years; up to \$15,000
Class B 5-20 years; up to \$15,000

Class C 3-10 years; up to \$10,000
Class D 0-6 years; up to \$10,000
Unclassified As specified in statute

Misdemeanors

Class A Up to 1 year; up to \$2,500
Class B Up to 90 days; up to \$1,000
Class C Up to 30 days; up to \$500

A.C.A. § 5-27-307, Sexually grooming a child.

The Division of Correction (ADC) reports that there are currently thirteen (13) offenders serving a term of incarceration for a violation of A.C.A. § 5-27-307, Sexually grooming a child. None of these offenders are serving a term of incarceration for which A.C.A. § 5-27-307, Sexually grooming a child is the most serious offense.

The proposed bill amends the ages at which a person can be a victim of this offense, some criminal penalties are increased, and a new course of conduct by which a person can commit A.C.A. § 5-27-307 is created. Data is unavailable as to the likely number of convictions for the new course of conduct. While the increase in felony class for the existing course of conduct is likely to have a minimal impact on correctional resources, unavailable data regarding other changes made by the proposed bill means the projected impact cannot be determined.

A.C.A. § 5-27-307. Sexually grooming a child.

(a) As used in this section, “disseminates” means to allow to view, expose, furnish, present, sell, or otherwise distribute.

(b) A person commits sexually grooming a child if he or she knowingly disseminates to a child thirteen (13) years of age or younger with or without consideration a visual or print medium depicting sexually explicit conduct with the purpose to entice, induce, or groom the child thirteen (13) years of age or younger to engage in the following with a person:

- (1) Sexual intercourse;
- (2) Sexually explicit conduct; or
- (3) Deviate sexual activity.

(c) Sexually grooming a child is a:

- (1) Class D felony if the actor is twenty-one (21) years of age or older; or
- (2) Class A misdemeanor if the actor is younger than twenty-one (21) years of age.

(d) It is an affirmative defense to prosecution under this section that the actor was not more than three (3) years older than the victim.

(e) It is not a defense to prosecution under this section that the actor does not know the age of the child or believes the child is fourteen (14) years of age or older.

History

Acts 2013, No. 1114, § 2.