



## ARKANSAS SENTENCING COMMISSION

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### Impact Assessment for SB442 Sponsored by Representative J. Bryant

#### Subtitle TO CREATE THE OFFENSE OF HARBORING AN ENDANGERED RUNAWAY

**Impact Summary**<sup>1</sup> Cannot be determined. The proposed bill creates new felony criminal offenses and increases the penalty for an existing criminal offense, for which the likely number of occurrences is unknown.

**Change from Current Law**<sup>2</sup> Amends Title 5 of Arkansas Code Annotated (A.C.A.) by adding an additional section to Chapter 27, Subchapter 2 at § 5-27-234, Harboring an endangered runaway minor. Under the proposed bill, the new offense of harboring an endangered runaway minor is created, with a violation a Class A misdemeanor for a first offense and a Class D felony for any subsequent offense. Under current law, no criminal offense exists that shares elements or courses of conduct with the proposed new felony. Knowingly harboring a minor who is an endangered runaway minor in violation of law is a specific course of conduct related to offenses against children or incompetents.

The proposed bill amends A.C.A. § 5-70-103(b), Concerning the penalties associated with sexual solicitation. Under the proposed bill, a violation of A.C.A. § 5-70-103(b) is a Class A misdemeanor for a first offense and a Class D felony for any subsequent offense. Under current law, a first offense is punishable by no more than ninety (90) days' imprisonment, a fine of no more than two thousand dollars (\$2,000) or both imprisonment and a fine; and a subsequent offense is punishable by no more than one (1) year of imprisonment, a fine of no more than three thousand five hundred dollars (\$3,500), or both imprisonment and a fine.

**Impact Information** The proposed bill creates a new offense that is a Class A misdemeanor for a first offense and a Class D felony for any subsequent offenses and increases the penalty for an existing criminal offense. The following data is for informational purposes only.

The Administrative Office of the Courts (AOC) reports that for the three (3) year period beginning January 1, 2022 and ending December 31, 2024, there were three (3) misdemeanor convictions for a violation of A.C.A. § 5-70-103(b), Concerning the penalties associated with sexual solicitation. It is important to note that misdemeanors are often disposed of in District Court, and that not all district courts report data to the AOC. For this reason, the number of misdemeanor convictions is likely higher than reported.

The likely number of occurrences with the creation of the proposed new felony offenses is unknown. The proposed bill contains a new course of conduct that does not share elements with an existing criminal offense in the Arkansas Criminal Code. Additionally, while there is a current unlawful course of conduct for sexual

<sup>1</sup> This impact assessment was prepared 3/31/2025 9:16 AM by the staff of the Arkansas Sentencing Commission pursuant to A. C. A. § 16-90-802(d)(6) with data supplied by the 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 costs; and "major" = would require budgetary increases for ADC costs and construction costs for additional beds.

<sup>2</sup> 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

solicitation, the number of convictions may be higher than reported. For these reasons, the potential impact on existing correctional resources cannot be determined.