

State of Arkansas
76th General Assembly
Regular Session, 1987
By: Senator Gordon

SENATE BILL 359

As engrossed 2-24-87

"AN ACT TO AMEND SECTION 104 OF ACT 280 OF 1975, AS AMENDED [ARK. STATS. 41-104], TO EXTEND THE STATUTE OF LIMITATIONS IN CRIMINAL CASES INVOLVING CHILD VICTIMS; AND FOR OTHER PURPOSES."

WHEREAS, in many instances, child victims are threatened or intimidated to prevent the prompt reporting of abuse or sexual offenses; and

WHEREAS, it is in the best interest of the State to extend the statute of limitations for certain offenses involving child victims;
NOW THEREFORE,

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

SECTION 1. Section 104 of Act 280 of 1975, as amended, is hereby amended by adding a new subsection to read as follows:

"(8) If the period prescribed in subsection (2) has expired, a prosecution may nevertheless be commenced for violations of the following offenses, if, when the alleged violation occurred, the offense was committed against a minor, the violation has not previously been reported to a law enforcement agency or prosecuting attorney and the period prescribed in subsection (2) has not expired since the victim has reached the age of eighteen (18):

(a) Battery in the first and second degrees as prohibited in Sections 1601 and 1602 hereof, as amended;

(b) Aggravated assault as prohibited in Section 1604 hereof, as amended;

(c) Terroristic threatening in the first degree as prohibited in Section 1608 hereof, as amended;

(d) Kidnapping as prohibited in Section 1702 hereof, as amended;

(e) False imprisonment in the first degree as prohibited in Section 1703 hereof, as amended;

(f) Permanent detention or restraint as prohibited in Section 1706 hereof, as amended;

(g) Rape and carnal abuse in the first and second degrees as prohibited in Sections 1803 through 1805 hereof, as amended;

(h) Sexual abuse in the first degree as prohibited in Section 1808 hereof, as amended;

(i) Violation of a minor in the first and second degrees as prohibited in Section 1826 and 1827 hereof, as amended;

(j) Incest as prohibited in Section 2403 hereof, as amended;

(k) Endangering the welfare of a minor in the first degree, as prohibited in Section 2407 hereof, as amended;

(l) Permitting child abuse as prohibited in subsections (A) and (C) of Section 2472 hereof, as amended;

(m) Engaging children in sexually explicit conduct for use in visual or print medium, transportation of minors for prohibited sexual conduct, use of child or consent to use of child in sexual performance, and producing, directing or promoting sexual performance by child, as prohibited in Sections 4203, 4205, 4207, and 4208 hereof, as amended; and

(n) Criminal attempt, criminal solicitation, or criminal conspiracy as prohibited in Sections 701, 702, 705 or 707 hereof, as amended, to commit any of the offenses listed in this subsection."

SECTION 2. All laws and parts of laws in conflict with this Act are hereby repealed.

SECTION 3. SEVERABILITY. Each of the Sections and provisions of this Act are severable, and in the event that any one or more of such Sections or provisions are subsequently declared unconstitutional or invalid, the remaining Sections and provisions of this Act shall be valid and shall remain in full force and effect.

/s/ Gordon

