

1 State of Arkansas  
2 80th General Assembly  
3 Regular Session, 1995  
4 By: Representative Pollan

# A Bill

HOUSE BILL 1513

## For An Act To Be Entitled

8 "AN ACT TO AMEND ARKANSAS CODE ANNOTATED 5-14-101  
9 REGARDING THE DEFINITIONS OF DEVIATE SEXUAL ACTIVITY,  
10 MENTALLY DEFECTIVE, AND SEXUAL INTERCOURSE; AND FOR  
11 OTHER PURPOSES."

## Subtitle

14 "TO AMEND DEFINITIONS OF DEVIATE SEXUAL  
15 ACTIVITY, MENTALLY DEFECTIVE, AND  
16 SEXUAL INTERCOURSE

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

20 SECTION 1. Arkansas Code Annotated 5-14-101 is amended to read as  
21 follows:

22 "5-14-101. Definitions.

23 As used in this chapter, unless the context otherwise requires:

24 (1) Deviate sexual activity means any act of sexual gratification  
25 involving:

26 (A) The penetration, however slight, of the anus or mouth of one  
27 person by the penis of another person; or

28 (B) The penetration, however slight, of the labia majora or anus  
29 of one person by any body member or foreign instrument manipulated by another  
30 person;

31 (2) Forcible compulsion means physical force or a threat, express or  
32 implied, of death or physical injury to or kidnapping of any person;

33 (3) Mentally defective means that a person suffers from a mental  
34 disease or defect, which renders him incapable of understanding the nature  
35 and consequences of sexual acts. A determination that a person is mentally

1 defective shall not be based solely on his IQ;

2 (4) Mentally incapacitated means that a person is temporarily  
3 incapable of appreciating or controlling his conduct as a result of the  
4 influence of a controlled or intoxicating substance administered to him  
5 without his consent;

6 (5) Physically helpless means that a person is unconscious or is  
7 physically unable to communicate lack of consent;

8 (6) Public place means a publicly or privately owned place to which  
9 the public or substantial numbers of people have access;

10 (7) Public view means observable or likely to be observed by a  
11 person in a public place;

12 (8) Sexual contact means any act of sexual gratification involving  
13 the touching, directly or through clothing, of the sex organs, or buttocks,  
14 or anus of a person or the breast of a female;

15 (9) Sexual intercourse means penetration, however slight, of the  
16 labia majora by a penis;

17 (10) Guardian means a parent, stepparent, legal guardian, legal  
18 custodian, foster parent, or anyone who, by virtue of a living arrangement,  
19 is placed in an apparent position of power or authority over a minor."

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21 SECTION 2. All provisions of this act of a general and permanent  
22 nature are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas  
23 Code Revision Commission shall incorporate the same in the Code.

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25 SECTION 3. If any provision of this act or the application thereof to  
26 any person or circumstance is held invalid, such invalidity shall not affect  
27 other provisions or applications of the act which can be given effect without  
28 the invalid provision or application, and to this end the provisions of this  
29 act are declared to be severable.

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31 SECTION 4. All laws and parts of laws in conflict with this act are  
32 hereby repealed.

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