

1 State of Arkansas
2 80th General Assembly
3 Regular Session, 1995

A Bill

HOUSE BILL 1596

4 By: Representatives J. Smith, Lynn, Angel, and vonGrep

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For An Act To Be Entitled

8 "AN ACT TO AMEND ARKANSAS CODE ANNOTATED § 5-14-103 TO
9 INCREASE THE MINIMUM SENTENCE FOR RAPE; AND FOR OTHER
10 PURPOSES."

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Subtitle

13 "TO INCREASE THE MINIMUM SENTENCE FOR
14 RAPE"

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

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18 SECTION 1. Arkansas Code Annotated § 5-14-103 is amended to read as
19 follows:

20 "5-14-103. Rape.

21 (a) A person commits rape if he engages in sexual intercourse or
22 deviate sexual activity with another person:

23 (1) By forcible compulsion; or

24 (2) Who is incapable of consent because he is physically
25 helpless; or

26 (3) Who is less than fourteen (14) years of age. It is an
27 affirmative defense to prosecution under this subdivision that the actor was
28 not more than two (2) years older than the victim; or

29 (4) Not his spouse who is less than sixteen (16) years of age
30 and who is incapable of consent because he is mentally defective or mentally
31 incapacitated.

32 (b) Any person who violates subsection (a)(1) or (a)(2) of this
33 section shall be imprisoned for not less than twenty (20) years nor more than
34 forty (40) years, or life; if, however, the person has previously been
35 convicted or found guilty of rape, he shall be imprisoned for life without

1 the possibility for parole. For all other purposes, rape is a Class Y
2 felony.

3 (c) Any person who violates subsection (a)(3) or (a)(4) of this
4 section shall be imprisoned for not less than thirty (30) years nor more than
5 forty (40) years, or life; if, however, the person has previously been
6 convicted or found guilty of rape, he shall be imprisoned for life without
7 the possibility for parole. For all other purposes, rape is a Class Y
8 felony."

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

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14 SECTION 3. If any provision of this act or the application thereof to
15 any person or circumstance is held invalid, such invalidity shall not affect
16 other provisions or applications of the act which can be given effect without
17 the invalid provision or application, and to this end the provisions of this
18 act are declared to be severable.

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

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