

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

A Bill

HOUSE BILL 1900

For An Act To Be Entitled

8 "AN ACT TO AMEND ARKANSAS CODE ANNOTATED §§ 5-27-302 AND
9 5-27-401 CONCERNING DEFINITIONS WHICH DEFINE THE CRIMINAL
10 CONDUCT OF THE SEXUAL EXPLOITATION OF CHILDREN; AND FOR
11 OTHER PURPOSES."

Subtitle

14 "TO AMEND DEFINITIONS WHICH DEFINE THE
15 CRIMINAL CONDUCT OF THE SEXUAL
16 EXPLOITATION OF CHILDREN"

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

20 SECTION 1. Arkansas Code Annotated 5-27-302 is amended to read as
21 follows:

22 "5-27-302. Definitions.

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

24 (1) Child means any person under the age of seventeen (17) years;

25 (2) Sexually explicit conduct means actual or simulated:

26 (A) Sexual intercourse, including genital-genital, oral-genital,
27 anal-genital, or oral-anal, whether between persons of the same or opposite
28 sex;

29 (B) Bestiality;

30 (C) Masturbation;

31 (D) Sadomasochistic abuse for the purpose of sexual stimulation;

32 or

33 (E) Lewd exhibition of the genitals or pubic area of any person
34 or the breast of a female;

35 (3) Producing means producing, directing, manufacturing, issuing,

1 publishing, or advertising;

2 (4) Visual or print medium means any film, photograph, negative,
3 slide, book, magazine, or other visual or print medium other than material
4 specifically used by licensed medical and/or *mental* health professionals for
5 the purpose of assessment, evaluation, and treatment of sex offenders; and

6 (5) Commercial exploitation means having monetary or other material
7 gain as a direct or indirect goal."

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9 SECTION 2. Arkansas Code Annotated 5-27-401 is amended to read as
10 follows:

11 "5-27-401. Definitions.

12 As used in this subchapter, unless the context otherwise requires:

13 (1) Performance means any play, dance, act, drama, piece, interlude,
14 pantomime, show, scene, or other three-dimensional presentation or parts
15 *thereof whether performed live or photographed, filmed, videotaped or*
16 *visually depicted by any other photographic, cinematic, magnetic or*
17 *electronic means;*

18 (2) Sexual performance means any performance or part thereof that
19 includes sexual conduct by a child younger than seventeen (17) years of age;

20 (3) Sexual conduct means actual or simulated sexual intercourse,
21 deviate sexual activity, sexual bestiality, masturbation, sadomasochistic
22 abuse, or lewd exhibition of the genitals *or pubic area of any person or the*
23 *breasts of a female;*

24 (4) Deviate sexual intercourse 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 (5) Sadomasochistic abuse means flagellation, mutilation, or torture
32 by or upon a person who is nude or clad in undergarments or in revealing or
33 bizarre costume or the condition of being fettered, bound, or otherwise
34 physically restrained on the part of one so clothed, in a sexual context;

35 (6) Promote means to sell, give, provide, distribute, circulate,

1 disseminate, present, exhibit, or advertise or to offer or to agree to do any
2 of the above."

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4 SECTION 3. All provisions of this act of a general and permanent
5 nature are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas
6 Code Revision Commission shall incorporate the same in the Code.

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8 SECTION 4. If any provision of this act or the application thereof to
9 any person or circumstance is held invalid, such invalidity shall not affect
10 other provisions or applications of the act which can be given effect without
11 the invalid provision or application, and to this end the provisions of this
12 act are declared to be severable.

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14 SECTION 5. All laws and parts of laws in conflict with this act are
15 hereby repealed.

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/s/Rep. Pollan

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As Engrossed: 3/7/95 3/9/95 3/14/95

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