

Stricken language would be deleted from present law. Underlined language would be added to present law.

1 State of Arkansas
2 81st General Assembly
3 Regular Session, 1997

A Bill

HOUSE BILL 1324

4
5 By: Representative Pollan

For An Act To Be Entitled

9 "AN ACT TO AMEND ARKANSAS CODE ANNOTATED § 9-27-303 TO
10 CLARIFY IN REGARD TO CHILDREN THE DEFINITIONS OF SEXUAL
11 ABUSE AND DEVIATE SEXUAL ACTIVITY IN THE JUVENILE CODE;
12 AND FOR OTHER PURPOSES."

Subtitle

15 "TO CLARIFY IN REGARD TO CHILDREN THE
16 DEFINITIONS OF SEXUAL ABUSE AND DEVIATE
17 SEXUAL ACTIVITY IN THE JUVENILE CODE"

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

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21 SECTION 1. Arkansas Code Annotated 9-27-303(32), which defines the term
22 "sexual abuse" for the Juvenile Code, is amended to read as follows:

23 "~~(32)(A) Sexual abuse includes solicitation or participation in~~
24 ~~sexual activity with a juvenile by an adult or person responsible for the care~~
25 ~~and maintenance of the juvenile.~~

26 ~~_____ (B) Sexual abuse also includes any offense relating to sexual~~
27 ~~activity, abuse, or exploitation, including rape and incest, as set out and~~
28 ~~defined in the Arkansas Criminal Code and amendments thereto, § 5-1-101 et~~
29 ~~seq."~~

30 Sexual abuse includes:

31 (A) solicitation or participation in deviate sexual activity,
32 sexual intercourse, or sexual contact between or with a juvenile by an adult
33 not his spouse or by a caretaker;

34 (B) solicitation or participation in deviate sexual activity,
35 sexual intercourse, or sexual contact between or with a juvenile by an
36 employee in the juvenile's school or school district, a temporary caretaker,

1 or a person in a position of trust or authority of the juvenile;

2 (C) solicitation or participation in deviate sexual activity,
3 sexual intercourse, or sexual contact with a juvenile by forcible compulsion,
4 as defined at § 5-14-101;

5 (D) exposure of sex organs by a person before a juvenile when the
6 purpose of exposure was to arouse or gratify the sexual desire of himself or
7 any other person and he knows his conduct is likely to cause affront or
8 alarm."

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10 SECTION 2. Arkansas Code Annotated 9-27-303, which defines terms for
11 the Juvenile Code, is amended by adding the following definition:

12 "(39) _Deviate sexual activity_ means any act of sexual gratification
13 involving:

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

16 (B) The penetration, however slight, of the labia majora or anus
17 of one person by any body member or foreign instrument manipulated by another
18 person;"

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

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24 SECTION 4. If any provision of this act or the application thereof to
25 any person or circumstance is held invalid, such invalidity shall not affect
26 other provisions or applications of the act which can be given effect without
27 the invalid provision or application, and to this end the provisions of this
28 act are declared to be severable.

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

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