

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 1700

4
5 By: Representatives Molinaro, Young and Wren

For An Act To Be Entitled

9 "AN ACT TO AMEND ARKANSAS CODE ANNOTATED § 5-14-109 TO MAKE
10 SEXUAL ABUSE IN THE SECOND DEGREE APPLICABLE TO CITY OR
11 COUNTY JAIL EMPLOYEES WHO ENGAGE IN SEXUAL CONTACT WITH
12 PERSONS IN THEIR CUSTODY; AND FOR OTHER PURPOSES."

Subtitle

15 "TO MAKE SEXUAL ABUSE IN THE SECOND
16 DEGREE APPLICABLE TO CITY OR COUNTY JAIL
17 EMPLOYEES WHO ENGAGE IN SEXUAL CONTACT
18 WITH PERSONS IN THEIR CUSTODY"

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

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22 SECTION 1. Arkansas Code Annotated § 5-14-109 is amended to read as
23 follows:

24 "5-14-109. Sexual abuse in the second degree.

25 (a) A person commits sexual abuse in the second degree if:

26 (1) He or she engages in sexual contact with another person not
27 his or her spouse who is incapable of consent because he or she is mentally
28 defective or mentally incapacitated;

29 (2) Being less than eighteen (18) years old, he or she engages in
30 sexual contact with a person not his or her spouse who is less than fourteen
31 (14) years old. It is an affirmative defense to prosecution under this
32 subdivision (a)(2) that the actor was not more than two (2) years older than
33 the victim; or

34 (3) He or she, being employed directly or through contract with
35 the Department of Correction or the Department of Community Punishment, or
36 with any city or county jail, engages in sexual contact for the purpose of

1 sexual gratification with any person in the custody of the Department of
2 Correction or the Department of Community Punishment or within any city or
3 county jail, the consent of the person in custody notwithstanding.

4 (b) Sexual abuse in the second degree is a Class A misdemeanor."
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6 SECTION 2. All provisions of this act of a general and permanent nature
7 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code
8 Revision Commission shall incorporate the same in the Code.
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10 SECTION 3. If any provision of this act or the application thereof to
11 any person or circumstance is held invalid, such invalidity shall not affect
12 other provisions or applications of the act which can be given effect without
13 the invalid provision or application, and to this end the provisions of this
14 act are declared to be severable.
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16 SECTION 4. All laws and parts of laws in conflict with this act are
17 hereby repealed.
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