

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

1 State of Arkansas
2 83rd General Assembly
3 Regular Session, 2001

A Bill

HOUSE BILL 2385

4
5 By: Representatives J. Elliott, White, Jackson, W. Walker, T. Steele, Shoffner, Salmon, Green, Roebuck,
6 Hutchinson, Carson, Borhauer, Goss, Napper
7 By: Senators Mahony, DeLay

For An Act To Be Entitled

11 AN ACT TO AMEND ARKANSAS CODE 5-14-101 TO FURTHER
12 DEFINE "MENTALLY DEFECTIVE, MENTALLY
13 INCAPACITATED, AND PHYSICALLY HELPLESS"; AND FOR
14 OTHER PURPOSES.

Subtitle

17 AN ACT TO AMEND ARKANSAS CODE 5-14-101 TO
18 FURTHER DEFINE "MENTALLY DEFECTIVE,
19 MENTALLY INCAPACITATED, AND PHYSICALLY
20 HELPLESS".

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

25 SECTION 1. Arkansas Code 5-14-101 is amended to read as follows:
26 5-14-101. Definitions.

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

28 (1) "Deviate sexual activity" means any act of sexual
29 gratification involving:

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

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

35 (2) "Forcible compulsion" means physical force or a threat,
36 express or implied, of death or physical injury to or kidnapping of any

1 person;

2 (3)(A) "Mentally defective" means that a person suffers from a
3 mental disease or defect which renders ~~him~~ the person incapable of
4 understanding the nature and consequences of sexual acts or renders the
5 person unaware the sexual act is occurring.

6 (B) A determination that a person is mentally defective
7 shall not be based solely on his intelligence quotient;

8 (4) "Mentally incapacitated" means that a person is temporarily
9 incapable of appreciating or controlling ~~his~~ the person's conduct as a result
10 of the influence of a controlled or intoxicating substance administered to
11 ~~him~~ the person without ~~his~~ the person's consent or renders the person unaware
12 the sexual act is occurring;

13 (5) "Physically helpless" means that a person is unconscious or
14 is physically unable to communicate lack of consent or is rendered unaware
15 the sexual act is occurring;

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

18 (7) "Public view" means observable or likely to be observed by a
19 person in a public place;

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

23 (9) "Sexual intercourse" means penetration, however slight, of
24 the labia majora by a penis; and

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

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