

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

SENATE BILL 175

4
5 By: Senator Hill
6 By: Representative Teague

For An Act To Be Entitled

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9
10 AN ACT TO AMEND ARKANSAS CODE 5-14-108 AND 5-14-109 TO
11 MAKE SEXUAL ABUSE OF AN INMATE BY A CORRECTIONAL
12 OFFICER A CLASS C FELONY; AND FOR OTHER PURPOSES.

Subtitle

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14
15 AN ACT TO AMEND ARKANSAS CODE 5-14-108
16 AND 5-14-109 TO MAKE SEXUAL ABUSE OF AN
17 INMATE BY A CORRECTIONAL OFFICER A CLASS
18 C FELONY.

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

22
23 SECTION 1. Arkansas Code 5-14-108, concerning sexual abuse in the first
24 degree, is amended to read as follows:

25 5-14-108. Sexual abuse in the first degree.

26 (a) A person commits sexual abuse in the first degree if:

27 (1) He engages in sexual contact with another person by forcible
28 compulsion; or

29 (2) He engages in sexual contact with another person who is
30 incapable of consent because he is physically helpless; or

31 (3) He engages in sexual contact with another person, not his
32 spouse, who is a patient or resident of a hospital, nursing home, human
33 development center, or other similar facility, and who is incapable of consent
34 because he is mentally defective or mentally incapacitated; or

35 (4) Being eighteen (18) years old or older, he engages in sexual
36 contact with a person not his spouse who is less than fourteen (14) years old;

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2 (5) He engages in sexual contact with a person who is less than
3 sixteen (16) years of age and who is incapable of consent because he is
4 mentally defective or mentally incapacitated; or

5 (6) Being employed directly or through contract with the
6 Department of Correction or the Department of Community Punishment, or with
7 any city or county jail, the person engages in sexual contact for the purpose
8 of sexual gratification with any person in the custody of the Department of
9 Correction or the Department of Community Punishment or within any city or
10 county jail, the consent of the person in custody notwithstanding.

11 (b) Sexual abuse in the first degree is a Class C felony.

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13 SECTION 2. Arkansas Code 5-14-109, concerning sexual abuse in the second
14 degree, is amended to read as follows:

15 5-14-109. Sexual abuse in the second degree.

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

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

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

25 ~~(3) He or she, being employed directly or through contract with~~
26 ~~the Department of Correction or the Department of Community Punishment, or~~
27 ~~with any city or county jail, engages in sexual contact for the purpose of~~
28 ~~sexual gratification with any person in the custody of the Department of~~
29 ~~Correction or the Department of Community Punishment or within any city or~~
30 ~~county jail, the consent of the person in custody notwithstanding.~~

31 (b) Sexual abuse in the second degree is a Class A misdemeanor.