

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 86th General Assembly
3 Regular Session, 2007
4

As Engrossed: H2/9/07
A Bill

HOUSE BILL 1311

5 By: Representative Cook
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8 **For An Act To Be Entitled**

9 AN ACT TO AMEND § 5-14-110 TO MAKE THE OFFENSE OF
10 SEXUAL INDECENCY WITH A CHILD APPLICABLE TO
11 PERSONS LESS THAN EIGHTEEN YEARS OF AGE; AND FOR
12 OTHER PURPOSES.
13

14 **Subtitle**

15 TO AMEND § 5-14-110 TO MAKE THE OFFENSE
16 OF SEXUAL INDECENCY WITH A CHILD
17 APPLICABLE TO PERSONS LESS THAN EIGHTEEN
18 YEARS OF AGE.
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21 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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23 SECTION 1. Arkansas Code § 5-14-110 is amended to read as follows:
24 5-14-110. Sexual indecency with a child.

25 (a) A person commits sexual indecency with a child if:

26 (1) Being eighteen (18) years of age or older, the person
27 solicits another person who is less than ~~fifteen (15)~~ eighteen (18) years of
28 age and is not the actor's spouse or who is represented to be less than
29 ~~fifteen (15)~~ eighteen (18) years of age and is not the actor's spouse to
30 engage in:

- 31 (A) Sexual intercourse;
32 (B) Deviate sexual activity; or
33 (C) Sexual contact;

34 (2)(A) With the purpose to arouse or gratify a sexual desire of
35 himself or herself or a sexual desire of any other person, the person
36 purposely exposes his or her sex organs to another person who is less than



1 ~~fifteen (15)~~ eighteen (18) years of age and is not the actor's spouse.

2 (B) It is an affirmative defense to a prosecution under
3 subdivision (a)(2)(A) of this section if the person is within three (3) years
4 of age of the victim; or

5 (3) With the purpose to arouse or gratify a sexual desire of
6 himself or herself or a sexual desire of any other person, the person
7 purposely exposes his or her sex organs to another person who is less than
8 eighteen (18) years of age, and the actor is:

9 (A) Employed with the Department of Correction, Department
10 of Community Correction, any city or county jail, or any juvenile detention
11 facility, and the minor is in custody at a facility operated by the agency or
12 contractor employing the actor; or

13 (B) A professional under § 12-12-507(b) and is in a
14 position of trust or authority over the minor; or

15 (C) The minor's guardian, an employee in the minor's
16 school or school district, a temporary caretaker, or a person in a position
17 of trust or authority over the minor; or

18 (4) Being eighteen (18) years of age or older, the person causes
19 or coerces another person who is less than ~~fourteen (14)~~ eighteen (18)
20 years of age and is not the actor's spouse to expose his or her sex organs or the
21 breast of a female with the purpose to arouse or gratify a sexual desire of
22 himself, herself, or another person.

23 (b) Sexual indecency with a child is a Class D felony.

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25 /s/ Cook
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