

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 87th General Assembly  
3 Regular Session, 2009  
4

# A Bill

HOUSE BILL 1713

5 By: Representatives D. Creekmore, Garner  
6  
7

## For An Act To Be Entitled

9 AN ACT TO INCREASE THE PENALTY CLASSIFICATION FOR  
10 INDECENT EXPOSURE FOR A PERSON IN A POSITION OF  
11 TRUST OR AUTHORITY OVER THE VICTIM; AND FOR OTHER  
12 PURPOSES.  
13

## Subtitle

14 TO INCREASE THE PENALTY CLASSIFICATION  
15 FOR INDECENT EXPOSURE FOR A PERSON IN A  
16 POSITION OF TRUST OR AUTHORITY OVER THE  
17 VICTIM.  
18  
19  
20

21 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
22

23 SECTION 1. Arkansas Code § 5-14-112 is amended to read as follows:  
24 5-14-112. Indecent exposure.

25 (a) A person commits indecent exposure if, with the purpose to arouse  
26 or gratify a sexual desire of himself or herself or of any other person, the  
27 person exposes his or her sex organs:

28 (1) In a public place or in public view; or

29 (2) Under circumstances in which the person knows the conduct is  
30 likely to cause affront or alarm.

31 (b)(1) Except as provided in subdivisions (b)(2) and ~~(b)(3)~~ of this  
32 section or subdivisions (c)(1) and (2) of this section, indecent exposure is  
33 a Class A misdemeanor.

34 (2) For a fourth or fifth conviction within ten (10) years of a  
35 previous conviction, indecent exposure is a Class D felony.

36 (3) For a sixth conviction and each successive conviction within



1 ten (10) years of a previous conviction, indecent exposure is a Class C  
2 felony.

3 (c)(1) Except as provided in subdivision (c)(2) of this section,  
4 indecent exposure is a Class D felony if the actor is:

5 (A) Employed with the Department of Correction, the  
6 Department of Community Correction, the Department of Human Services, or any  
7 city or county jail or a juvenile detention facility, and the victim is in  
8 the custody of the Department of Correction, the Department of Community  
9 Correction, the Department of Human Services, any city or county jail or  
10 juvenile detention facility, or their contractors or agents;

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

13 (C) An employee in the victim's school or school district,  
14 a temporary caretaker, or a person in a position of trust or authority over  
15 the victim.

16 (2) For a second and each successive conviction under  
17 subdivision (c)(1) of this section, indecent exposure is a Class C felony.

18 ~~(e)~~(d) A woman is not in violation of this section for breastfeeding a  
19 child in a public place or any place where other individuals are present.

20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36