

State of Arkansas

87th General Assembly

Regular Session, 2009

# A Bill

HOUSE BILL 1833

By: Representative Powers

## For An Act To Be Entitled

AN ACT TO AMEND SEXUAL ASSAULT IN THE FOURTH  
DEGREE; AND FOR OTHER PURPOSES.

## Subtitle

TO AMEND SEXUAL ASSAULT IN THE FOURTH  
DEGREE.

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

SECTION 1. Arkansas Code § 5-14-127 is amended to read as follows:  
5-14-127. Sexual assault in the fourth degree.

(a) A person commits sexual assault in the fourth degree if the  
person:

(1) Being twenty (20) years of age or older;

(A) engages ~~Engages~~ in sexual intercourse or deviate  
sexual activity with another person who is:

~~(A)(i)~~ (i) Less than sixteen (16) years of age; and

~~(B)(ii)~~ (ii) Not the person's spouse; or

~~(2)(B)~~ (B) Engages in sexual contact with another person who  
is:

~~(A)(i)~~ (i) Less than sixteen (16) years of age; and

~~(B)(ii)~~ (ii) Not the person's spouse; or

(2) Engages in sexual contact with another person who is not the  
actor's spouse, and the actor is employed with the Department of Correction,  
Department of Community Correction, Department of Human Services, or any city  
or county jail, and the victim is in the custody of the Department of  
Correction, Department of Community Correction, Department of Human Services,



1 or a city or county jail; or

2 (b)(1) Sexual assault in the fourth degree under ~~subdivision~~  
3 subdivisions (a)(1)(A) and (a)(2) of this section is a Class D felony.

4 (2) Sexual assault in the fourth degree under subdivision ~~(a)(2)~~  
5 (a)(1)(B) of this section is a Class A misdemeanor if the person engages only  
6 in sexual contact with another person as described in subdivision ~~(a)(2)~~  
7 (a)(1)(B) of this section.