

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 2030

5 By: Representative Dickinson
6
7

For An Act To Be Entitled

9 AN ACT TO AMEND ARKANSAS CODE § 5-14-110
10 CONCERNING THE OFFENSE OF SEXUAL INDECENCY WITH A
11 CHILD; AND FOR OTHER PURPOSES.
12

Subtitle

13 TO AMEND ARKANSAS CODE § 5-14-110
14 CONCERNING THE OFFENSE OF SEXUAL
15 INDECENCY WITH A CHILD.
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19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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21 SECTION 1. Arkansas Code § 5-14-110 is amended to read as follows:
22 5-14-110. Sexual indecency with a child.

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

24 (1) Being eighteen (18) years of age or older, the person
25 solicits another person who is less than fifteen (15) years of age or who is
26 represented to be less than fifteen (15) years of age to engage in:

27 (A) Sexual intercourse;

28 (B) Deviate sexual activity; or

29 (C) Sexual contact;

30 (2)(A) With the purpose to arouse or gratify a sexual desire of
31 himself or herself or a sexual desire of any other person, the person
32 purposely exposes his or her sex organs to another person who is less than
33 fifteen (15) years of age.

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



1 (3) Being eighteen (18) years of age or older, with the purpose
2 to arouse or gratify a sexual desire of himself or herself or a sexual desire
3 of any other person, the person purposely exposes his or her sex organs to
4 another person who is less than fifteen (15) years of age or who is
5 represented to be less than fifteen (15) years of age, by means of electronic
6 communication facilitated by the use of an electronic device, including
7 without limitation:

- 8 (A) A telephone;
- 9 (B) A computer;
- 10 (C) A webcam; or
- 11 (D) Any other computer device;

12 (4) With the purpose to arouse or gratify a sexual desire of
13 himself or herself or a sexual desire of any other person, the person
14 purposely exposes his or her sex organs to ~~another person who is less than~~
15 eighteen (18) years of age a minor, and the actor is:

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

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

22 (C) The minor’s guardian, an employee in the minor’s
23 school or school district, a temporary caretaker, or a person in a position
24 of trust and authority over the minor;

25 ~~(4)~~(5) With the purpose to arouse or gratify his or her sexual
26 desire or a sexual desire of another person, a person who is eighteen (18)
27 years of age or older:

28 (A) Causes or coerces ~~another person who is less than~~
29 eighteen (18) years of age a minor to expose his or her sex organs to another
30 person; and

31 (B) The actor is:

32 (i) ~~Is employed~~ Employed with the Department of
33 Correction, Department of Community Correction, any city or county jail, or
34 any juvenile detention facility, and the minor is in custody at a facility
35 operated by the agency or contractor employing the actor;

36 (ii) ~~Is a~~ A professional under § 12-12-507(b) and is

1 in a position of trust or authority over the minor; or

2 (iii) ~~Is the~~ The minor's guardian, an employee in
3 the minor's school or school district, a temporary caretaker, or a person in
4 a position of trust or authority over the minor; or

5 ~~(5)(6)~~ Being eighteen (18) years of age or older, the person
6 causes or coerces another person who is less than fourteen (14) years of age
7 to expose his or her sex organs or the breast of a female with the purpose to
8 arouse or gratify a sexual desire of himself, herself, or another person.

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

10 (c) As used in subdivisions (a)(4) and (5) of this section, "minor"
11 means a person who is less than eighteen (18) years of age.

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