

1 State of Arkansas  
2 89th General Assembly  
3 Regular Session, 2013  
4

*As Engrossed: S3/18/13*

# A Bill

SENATE BILL 1022

5 By: Senator Irvin  
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## For An Act To Be Entitled

8 AN ACT AMENDING THE OFFENSE OF SEXUAL ASSAULT IN THE  
9 FOURTH DEGREE AND PROVIDING AN AFFIRMATIVE DEFENSE;  
10 AND FOR OTHER PURPOSES.  
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## Subtitle

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13 AMENDING THE OFFENSE OF SEXUAL ASSAULT IN  
14 THE FOURTH DEGREE AND PROVIDING AN  
15 AFFIRMATIVE DEFENSE.  
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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 § 5-14-127 is amended to read as follows:*  
22 *5-14-127. Sexual assault in the fourth degree.*

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

25 *(1) Being ~~twenty (20)~~ eighteen (18) years of age or older:*

26 *(A) Engages in sexual intercourse or deviate sexual*  
27 *activity with another person who is:*

28 *(i) Less than sixteen (16) years of age; and*

29 *(ii) Not the person's spouse; or*

30 *(B) Engages in sexual contact with another person who is:*

31 *(i) Less than sixteen (16) years of age; and*

32 *(ii) Not the person's spouse; or*

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



1 *Correction, Department of Community Correction, Department of Human Services,*  
2 *or a city or county jail.*

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

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

9 *(c) It is an affirmative defense to a prosecution under subdivision*  
10 *(a)(1) of this section that the actor was not more than three (3) years older*  
11 *than the victim.*

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13 */s/Irvin*  
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