

1 State of Arkansas
2 91st General Assembly
3 Regular Session, 2017
4

A Bill

HOUSE BILL 1417

5 By: Representative Sturch
6

For An Act To Be Entitled

8 AN ACT CONCERNING THE OFFENSE OF SEXUAL SOLICITATION;
9 CONCERNING HUMAN TRAFFICKING; PROVIDING FOR
10 IMPOUNDMENT OF A MOTOR VEHICLE WHEN A PERSON IS
11 ARRESTED FOR AN OFFENSE INVOLVING SEXUAL
12 SOLICITATION; PROVIDING FOR HUMAN TRAFFICKING
13 AWARENESS EDUCATION FOR EDUCATORS; AND FOR OTHER
14 PURPOSES.
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Subtitle

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18 CONCERNING THE OFFENSE OF SEXUAL
19 SOLICITATION; PROVIDING FOR IMPOUNDMENT
20 OF A MOTOR VEHICLE; AND PROVIDING FOR
21 HUMAN TRAFFICKING AWARENESS EDUCATION FOR
22 EDUCATORS.
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25 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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27 SECTION 1. Arkansas Code Title 5, Chapter 5, is amended to add an
28 additional subchapter to read as follows:

Subchapter 5 – Impoundment of Motor Vehicle Due to Prostitution Offense

5-5-501. Motor vehicle impoundment.

31
32 (a) An arresting law enforcement officer may impound the motor vehicle
33 of a person arrested if:

34 (1) The motor vehicle was used in the commission of an offense
35 under § 5-70-101 et seq. by the person arrested;

36 (2) The person arrested is the owner of the motor vehicle or the



1 motor vehicle is being rented and the person arrested is the lessee; and

2 (3) Either:

3 (A) The person arrested has previously been convicted of
4 an offense under § 5-70-101 et seq.; or

5 (B) An ordinance under subsection (b) of this section is
6 in effect and the offense was committed within an area designated under
7 subsection (b) of this section.

8 (b)(1) A local government may designate by ordinance an area within
9 which a motor vehicle is subject to impoundment if a person using a motor
10 vehicle is arrested for an offense under § 5-70-101 et seq.

11 (2) The designation must be based on evidence indicating that
12 the area has a disproportionately higher number of arrests for an offense
13 under § 5-70-101 et seq. as compared to other areas within the same
14 jurisdiction.

15 (3) The local government shall post signs at the boundaries of
16 the area to indicate that the area has been designated under this subsection.

17 (c)(1) An impoundment of a motor vehicle under this section shall be
18 in accordance with state law and the impoundment shall be indicated as a
19 “prostitution hold”.

20 (2)(A) Before redeeming the impounded motor vehicle, and in
21 addition to all applicable impoundment, towing, and storage fees paid to the
22 towing company as provided by law, an owner of an impounded motor vehicle
23 shall pay an impoundment fee of five hundred dollars (\$500) to the impounding
24 law enforcement agency.

25 (B)(i) Upon receipt of the impoundment fee paid under
26 subdivision (c)(2) of this section, the impounding law enforcement agency
27 shall issue a written receipt to the owner of the impounded motor vehicle,
28 which the owner shall provide the towing company.

29 (ii) The written receipt issued under subdivision
30 (c)(2)(B) of this section authorizes the towing company to release the
31 impounded motor vehicle upon payment of all impoundment, towing, and storage
32 fees.

33 (iii) A towing company that relies on a forged
34 receipt to release a motor vehicle impounded under this section is not liable
35 to the impounding law enforcement agency for any unpaid impoundment fee under
36 this subsection.

1 (d)(1) An impoundment fee assessed under this section shall be
 2 collected by the impounding law enforcement agency and remitted to the county
 3 treasurer where the offense occurred for deposit into the county general
 4 fund, except in cases in which the offense occurred in a municipality with
 5 its own law enforcement agency, in which case the impoundment fee shall be
 6 remitted to the municipal treasurer for deposit into the general fund of the
 7 municipality.

8 (2) Revenue from the impoundment fees shall be used for local
 9 efforts to reduce the commercial sale of sex, including without limitation
 10 increasing enforcement and awareness of offenses under § 5-70-101 et seq.

11 (e)(1) In a legal proceeding to contest the validity of an impoundment
 12 under this section in which the person substantially prevails, in which the
 13 person is found not guilty at trial for the offense or offenses for which the
 14 motor vehicle was impounded, or in which the charges for which the motor
 15 vehicle was impounded are dismissed, the person is entitled to a full refund
 16 of the impoundment, towing, and storage fees paid and the impounding fee paid
 17 under subsection (c) of this section.

18 (2) A refund made under this subsection shall be paid by the
 19 impounding law enforcement agency.

20 (3) Before receiving a refund under this subsection, the person
 21 must provide proof of payment of the fee for which he or she is claiming a
 22 refund.

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 24 SECTION 2. Arkansas Code § 5-70-103 is amended to read as follows:
 25 5-70-103. Sexual solicitation.

26 (a) A person commits the offense of sexual solicitation if he or she:

27 (1) Offers or agrees to pay a fee to a person to engage in
 28 sexual activity with him or her or another person; or

29 (2) Solicits or requests a person to engage in sexual activity
 30 with him or her in return for a fee.

31 (b) Sexual solicitation is ~~a~~ an unclassified misdemeanor with the
 32 following sentences:

33 (1) ~~Class B misdemeanor for the~~ For a first offense:

34 (A) No more than ninety (90) days imprisonment;

35 (B) A fine of no more than two thousand dollars (\$2,000);

36 or

- 1 (C) Both imprisonment and a fine; and
- 2 (2) ~~Class A misdemeanor for~~ For a second or subsequent offense:
- 3 (A) No more than one (1) year of imprisonment;
- 4 (B) A fine of no more than three thousand five hundred
- 5 dollars (\$3,500); or
- 6 (C) Both imprisonment and a fine.

7 (c) It is an affirmative defense to prosecution under this section
 8 that the person engaged in an act of sexual solicitation as a result of being
 9 a victim of trafficking of persons, § 5-18-103.

10 (d) In addition to any other sentence authorized by this section, a
 11 person who violates this section by offering to pay, agreeing to pay, or
 12 paying a fee to engage in sexual activity upon conviction shall be ordered to
 13 pay a fine of two hundred fifty dollars (\$250) to be deposited into the Safe
 14 Harbor Fund for Sexually Exploited Children.

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 16 SECTION 3. Arkansas Code Title 6, Chapter 17, Subchapter 7, is amended
 17 to add an additional section to read as follows:

18 6-17-710. Human trafficking professional development.

19 (a) Each year, a school district shall make available to licensed
 20 personnel thirty (30) minutes of professional development on:

21 (1) Recognizing the warning signs that a child is a victim of
 22 human trafficking; and

23 (2) Reporting a suspicion that a child is a victim of human
 24 trafficking.

25 (b) The Department of Education shall develop materials and determine
 26 the method of delivering the professional development under subsection (a) of
 27 this section.

28 (c) The professional development under this section shall count toward
 29 the satisfaction of requirements for professional development in the
 30 Standards for Accreditation of Arkansas Public Schools and School Districts
 31 and for licensure requirements for licensed personnel.

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