

1 State of Arkansas
2 92nd General Assembly
3 Regular Session, 2019
4

As Engrossed: H3/20/19

A Bill

HOUSE BILL 1695

5 By: Representatives Scott, Petty
6

For An Act To Be Entitled

8 AN ACT TO PROTECT CHILDREN WHO ARE BEING TRAFFICKED
9 FROM BEING PROSECUTED FOR PROSTITUTION; AND FOR OTHER
10 PURPOSES.
11

Subtitle

12
13 TO PROTECT CHILDREN WHO ARE BEING
14 TRAFFICKED FROM BEING PROSECUTED FOR
15 PROSTITUTION.
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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 § 5-70-102 is amended to read as follows:
22 5-70-102. Prostitution.

23 (a) A person commits prostitution if in return for or in expectation
24 of a fee he or she engages in or agrees or offers to engage in sexual
25 activity with any other person.

26 (b) Prostitution is a:

27 (1) Class B misdemeanor for the first offense; and

28 (2) Class A misdemeanor for a second or subsequent offense under
29 this section.

30 (c) ~~It is an affirmative defense to prosecution~~ It is not an offense
31 under this section that the person engaged in an act that otherwise meets the
32 elements of the offense of prostitution ~~as a result of being~~ if the person
33 committed the otherwise unlawful acts while he or she was a victim of
34 trafficking of persons, § 5-18-103.

35 (d)(1) *If a law enforcement agency is investigating an offense under*
36 *this section that has allegedly been committed by a minor, the law*



1 enforcement agency shall make every effort to determine whether the minor, at
2 the time of the offense, was a victim of trafficking of persons, § 5-18-103.

3 (2) If a determination under subdivision (d)(1) of this section
4 is made that the minor was a victim of trafficking of persons, § 5-18-103,
5 the law enforcement agency investigating the offense shall immediately notify
6 the prosecuting attorney.

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

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13 /s/Scott
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