

Stricken language would be deleted from and underlined language would be added to present law.

1 State of Arkansas As Engrossed: H1/23/23 H3/1/23 H3/8/23

2 94th General Assembly

A Bill

3 Regular Session, 2023

HOUSE BILL 1141

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5 By: Representatives Lundstrum, Barker, Bentley, K. Brown, Burkes, Crawford, Duke, C. Fite, D. Garner,
6 Haak, D. Hodges, McAlindon, McGrew, Unger, Vaught

7 By: Senators C. Penzo, J. Dotson, Irvin, G. Leding, G. Stubblefield, *M. McKee*

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For An Act To Be Entitled

10 AN ACT TO DEFINE THE TERM "CONSENT" REGARDING SEXUAL
11 OFFENSES WITHIN THE ARKANSAS CRIMINAL CODE; AND FOR
12 OTHER PURPOSES.

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Subtitle

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TO DEFINE THE TERM "CONSENT" REGARDING
17 SEXUAL OFFENSES WITHIN THE ARKANSAS
18 CRIMINAL CODE.

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

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23 SECTION 1. Arkansas Code § 5-14-101, concerning definitions regarding
24 sexual offenses under the Arkansas Criminal Code, is amended to add an
25 additional subdivision to read as follows:

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(16) "Consent" means a freely given, knowledgeable, and informed
agreement by a person who is not physically helpless, mentally defective,
mentally incapacitated, or under the legal age to consent.

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SECTION 2. Arkansas Code § 5-14-101(3), concerning the definition of
"forcible compulsion" regarding sexual offenses, is amended to read as
follows:

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(3) "Forcible compulsion" means ~~physical force or a~~

(A) Any bodily impact, restraint, confinement, or threat
of bodily impact, restraint, or confinement, whether express or implied;

(B) Any threat, express or implied, of death or physical



1 injury to or kidnapping of any person; or
 2 (C) Any other behavior that results in a sexual act
 3 against the will of the person upon whom the sexual act is committed;
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5 SECTION 3. Arkansas Code § 5-14-125(a)(6), concerning sexual assault
 6 in the second degree, is amended to read as follows:

7 (6)(A) Is a teacher, principal, athletic coach, or counselor in a
 8 public or private school in a grade kindergarten through twelve (K-12), in a
 9 position of trust or authority, and uses his or her position of trust or
 10 authority over the victim to engage in sexual contact with a victim who is:

11 ~~(A)(i)~~ A student enrolled in the public or private school;
 12 and

13 ~~(B)(ii)~~ Less than twenty-one (21) years of age.

14 (B) It is no defense to a prosecution under subdivision
 15 (a)(6)(A) of this section that the victim consented to the conduct.
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17 SECTION 4. Arkansas Code § 5-14-127(a)(2), concerning sexual assault
 18 in the fourth degree, is amended to read as follows:

19 (2)(A) Engages in sexual contact with another person who is not
 20 the actor's spouse, and the actor is employed with the Division of
 21 Correction, Division of Community Correction, Department of Human Services,
 22 or any city or county jail, and the victim is in the custody of the Division
 23 of Correction, Division of Community Correction, Department of Human
 24 Services, or a city or county jail.

25 (B) It is no defense to a prosecution under subdivision
 26 (a)(2)(A) of this section that the victim consented to the conduct.
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28 SECTION 5. Arkansas Code § 5-26-202, concerning the offense of incest,
 29 is amended to add an additional subsection to read as follows:

30 (d) It is no defense to a prosecution under this section that the
 31 victim consented to the conduct.
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33 /s/Lundstrum
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