

State of Arkansas

As Engrossed: S4/8/25

95th General Assembly

## A Bill

Regular Session, 2025

HOUSE BILL 1865

By: Representatives Vaught, Gazaway, Barnett, M. Brown, Hudson, L. Johnson, Maddox, Pearce, R.

Scott Richardson, Rose

By: Senator Gilmore

### For An Act To Be Entitled

AN ACT TO CREATE AN ENHANCED PENALTY FOR CERTAIN  
OFFENSES AGAINST A CHILD; AND FOR OTHER PURPOSES.

### Subtitle

TO CREATE AN ENHANCED PENALTY FOR  
CERTAIN OFFENSES AGAINST A CHILD.

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

SECTION 1. Arkansas Code Title 5, Chapter 4, Subchapter 7, is amended  
to add an additional section to read as follows:

5-4-708. Enhanced penalty for offenses committed against child.

(a) A person who is eighteen (18) years of age or older and commits a  
felony offense described in subsection (b) of this section is subject to an  
enhanced penalty under this section if:

(1) The offense is committed against a child; and

(2) The person is in a position of trust or authority over the  
child.

(b) The enhanced penalty in this section applies to a felony offense  
listed below or contained in the following chapters or subchapters:

(1) Homicide, § 5-10-101 et seq.;

(2) Kidnapping and related offenses, § 5-11-101 et seq.;

(3) Assault and battery, § 5-13-101 et seq.;

(4) Sexual offenses, § 5-14-101 et seq.;

(5) Voyeurism offenses, § 5-16-101 et seq.;

(6) The Human Trafficking Act of 2013, § 5-18-101 et seq.;



- 1           (7) Domestic Battering and Assault, § 5-26-301 et seq.;  
2           (8) Endangering the welfare of a minor in the first degree, § 5-  
3 27-205;  
4           (9) Permitting abuse of a minor, § 5-27-221;  
5           (10) Exposing a child to a chemical substance or  
6 methamphetamine, § 5-27-230;  
7           (11) The Arkansas Protection of Children Against Exploitation  
8 Act of 1979, § 5-27-301 et seq.;  
9           (12) Use of children in sexual performances, § 5-27-401 et seq.;  
10           (13) Computer crimes against minors, § 5-27-601 et seq.; and  
11           (14) Stalking, § 5-71-229.  
12           (c) The minimum term of imprisonment under an enhanced penalty under  
13 this section is:  
14           (1) Thirty (30) years for a Class Y felony;  
15           (2) Seventeen (17) years for a Class A felony;  
16           (3) Fourteen (14) years for a Class B felony;  
17           (4) Seven (7) years for a Class C felony; and  
18           (5) One (1) year for a Class D felony.  
19           (d) If an enhanced penalty is sought under this section, the  
20 information or indictment shall include:  
21           (1) That the enhanced penalty under this section is being  
22 sought; and  
23           (2) The allegations supporting the imposition of the enhanced  
24 penalty under this section.  
25           (e) A person who receives a minimum term of imprisonment under an  
26 enhanced penalty under this section is not eligible for early release on  
27 parole, transfer to post-release supervision, or community correction  
28 transfer for the minimum term of imprisonment.

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