

Stricken language would be deleted from and underlined language would be added to present law.
Act 1114 of the Regular Session

State of Arkansas
89th General Assembly
Regular Session, 2013

As Engrossed: H3/19/13 S4/5/13
A Bill

HOUSE BILL 1973

By: Representative D. Douglas
By: Senator Hester

For An Act To Be Entitled

AN ACT TO CREATE THE OFFENSE OF SEXUAL GROOMING OF A CHILD; TO REQUIRE REGISTRATION WITH THE SEX OFFENDER REGISTRY UPON CONVICTION OF SEXUAL GROOMING OF A CHILD; CONCERNING UNLAWFUL SEXUAL OFFENSES AGAINST A CHILD; AND FOR OTHER PURPOSES.

Subtitle

TO CREATE THE OFFENSE OF SEXUAL GROOMING OF A CHILD; TO REQUIRE REGISTRATION WITH THE SEX OFFENDER REGISTRY UPON CONVICTION OF SEXUAL GROOMING OF A CHILD; AND CONCERNING UNLAWFUL SEXUAL OFFENSES AGAINST A CHILD.

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

SECTION 1. Arkansas Code § 5-27-302(5), concerning the definition of "visual or print medium", is amended to read as follows:

(5) "Visual or print medium" means any film, photograph, negative, slide, book, magazine, magnetic image, electronic image, or other visual or print medium other than material specifically used by a licensed medical professional or mental health professional, or both, for the purpose of assessment, evaluation, and treatment of a sex offender.

SECTION 2. Arkansas Code Title 5, Chapter 27, Subchapter 3, is amended to add a new section to read as follows:



5-27-307. Sexually grooming a child.

(a) As used in this section "disseminates" means to allow to view, expose, furnish, present, sell, or otherwise distribute.

(b) A person commits sexually grooming a child if he or she knowingly disseminates to a child thirteen (13) years of age or younger with or without consideration a visual or print medium depicting sexually explicit conduct with the purpose to entice, induce, or groom the child thirteen (13) years of age or younger to engage in the following with a person:

(1) Sexual intercourse;

(2) Sexually explicit conduct; or

(3) Deviate sexual activity.

(c) Sexually grooming a child is a:

(1) Class D felony if the actor is twenty-one (21) years of age or older; or

(2) Class A misdemeanor if the actor is younger than twenty-one (21) years of age.

(d) It is an affirmative defense to prosecution under this section that the actor was not more than three (3) years older than the victim.

(e) It is not a defense to prosecution under this section that the actor does not know the age of the child or believes the child is fourteen (14) years of age or older.

SECTION 3. Arkansas Code § 12-12-903(12)(A)(i), concerning the definition of "sex offense", is amended to add a new subdivision to read as follows:

(bb) Sexually grooming a child, § 5-27-307;

/s/D. Douglas

APPROVED: 04/11/2013