

State of Arkansas  
92nd General Assembly  
Regular Session, 2019

As Engrossed: H3/20/19 S4/4/19

# A Bill

HOUSE BILL 1695

By: Representatives Scott, Petty

## For An Act To Be Entitled

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

### Subtitle

TO PROTECT CHILDREN WHO ARE BEING  
TRAFFICKED FROM BEING PROSECUTED FOR  
PROSTITUTION.

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

SECTION 1. Arkansas Code § 5-70-102 is amended to read as follows:  
5-70-102. Prostitution.

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

(b) Prostitution is a:

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

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

(c) ~~It is an affirmative defense to prosecution that the person engaged in~~ It is not an offense under this section if at the time of the person's commission of or arrest for an act that meets the elements of the offense of prostitution, as a result of being the person was a victim of trafficking of persons, § 5-18-103.

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



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

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

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

*/s/Scott*

**APPROVED: 4/15/19**