

Stricken language would be deleted from and underlined language would be added to present law.
Act 1022 of the Regular Session

State of Arkansas
92nd General Assembly
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As Engrossed S4/4/19
A Bill

HOUSE BILL 1789

By: Representatives Penzo, Christiansen, Coleman, C. Cooper, Della Rosa, Hollowell, Lundstrum,
Pilkington, Rye, B. Smith

By: Senators B. Ballinger, L. Eads

For An Act To Be Entitled

*AN ACT TO AMEND THE LAW CONCERNING THE OFFENSE OF
TRAFFICKING; TO CREATE AN OFFENSE FOR THE UNLAWFUL
SOLICITATION FOR THE RELINQUISHMENT OF PARENTAL
RIGHTS; AND FOR OTHER PURPOSES.*

Subtitle

*TO AMEND THE LAW CONCERNING THE OFFENSE
OF TRAFFICKING; AND TO CREATE AN OFFENSE
FOR THE UNLAWFUL SOLICITATION FOR THE
RELINQUISHMENT OF PARENTAL RIGHTS.*

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

SECTION 1. Arkansas Code § 5-18-103(a), concerning the elements for the offense of trafficking of persons, is amended to read as follows:

(a) A person commits the offense of trafficking of persons if he or she knowingly:

(1) Recruits, harbors, transports, obtains, entices, solicits, isolates, provides, or maintains a person knowing that the person will be subjected to involuntary servitude;

(2) Benefits financially or benefits by receiving anything of value from participation in a venture under subdivision (a)(1) of this section;

(3) Subjects a person to involuntary servitude;

(4) Recruits, entices, solicits, isolates, harbors, transports,



provides, maintains, or obtains a minor for commercial sexual activity; ~~or~~

(5) ~~Includes~~ include an activity prohibited under subdivisions (a)(1)-(4) of this section;

(6) Recruits, entices, solicits, isolates, harbors, transports, provides, maintains, or obtains a pregnant woman for the purpose of causing the pregnant woman by the use of or threatened use of physical force to place the baby who is not yet born for adoption; or

(7) Benefits financially or benefits by receiving anything of value from participating in an act described under subdivision (a)(6) of this section.

SECTION 2. Arkansas Code Title 5, Chapter 26, Subchapter 2, is amended to add an additional section to read as follows:

5-26-204. Unlawful solicitation for the relinquishment of parental rights.

(a)(1) A person commits the offense of unlawful solicitation for the relinquishment of parental rights in the first degree if in exchange for consenting to the person or another person placing a baby who is not yet born for adoption the person offers anything of value prohibited or not permitted under § 9-9-206 to the:

(A) Biological mother of the baby who is not yet born;

(B) Biological or putative father of the baby who is not yet born;

(C) Spouse, partner, or other relative of the biological mother of the baby who is not yet born; or

(D) Spouse, partner, or other relative of the biological or putative father of the baby who is not yet born.

(2) Unlawful solicitation for the relinquishment of parental rights in the first degree is a:

(A) Class A felony if the person uses duress, coercion, undue influence, intimidation, a threat, fraud, or physical force to influence an individual listed in subdivisions (a)(1)(A)-(D) of this section to allow the person or another person to place the baby who is not yet born for adoption; or

(B) Class C felony if otherwise committed.

(b)(1) A person commits the offense of unlawful solicitation for the relinquishment of parental rights in the second degree if in exchange for consenting to the person adopting a baby who is not yet born the person offers anything of value prohibited or not permitted under § 9-9-206 to the:

(A) Biological mother of the baby who is not yet born;

(B) Biological or putative father of the baby who is not yet born;

(C) Spouse, partner, or other relative of the biological mother of the baby who is not yet born; or

(D) Spouse, partner, or other relative of the biological or putative father of the baby who is not yet born.

(2) Unlawful solicitation for the relinquishment of parental rights in the second degree is a:

(A) Class D felony if the person uses duress, coercion, undue influence, intimidation, a threat, fraud, or physical force to influence an individual listed in subdivisions (b)(1)(A)-(D) of this section to consent to the person or another person adopting the baby who is not yet born; or

(B) Class A misdemeanor if otherwise committed.

/s/Penzo

APPROVED: 4/15/19