

State of Arkansas
94th General Assembly
Regular Session, 2023

A Bill

HOUSE BILL 1028

By: Representative C. Fite

By: Senator J. Petty

For An Act To Be Entitled

AN ACT TO REPLACE THE TERM "CHILD PORNOGRAPHY" WITH
THE TERM "CHILD SEXUAL ABUSE MATERIAL" IN THE
ARKANSAS CODE; AND FOR OTHER PURPOSES.

Subtitle

TO REPLACE THE TERM "CHILD PORNOGRAPHY"
WITH THE TERM "CHILD SEXUAL ABUSE
MATERIAL" IN THE ARKANSAS CODE.

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

SECTION 1. Arkansas Code § 5-1-109(a)(2)(E), concerning the statute of limitations for offenses, is amended to read as follows:

(E) ~~Computer child pornography~~ Possession or use of child sexual abuse material, § 5-27-603.

SECTION 2. Arkansas Code § 5-4-703(a)(14), concerning offenses committed against a child or in the presence of a child, is amended to read as follows:

(14) Distributing, possessing, or viewing of matter depicting sexually explicit conduct involving a child, § 5-27-602, ~~computer child pornography~~ possession or use of child sexual abuse material, § 5-27-603, failure to report ~~child pornography~~ the existence of child sexual abuse material, § 5-27-604, or computer exploitation of a child, § 5-27-605;

SECTION 3. Arkansas Code § 5-27-603 is amended to read as follows:



5-27-603. ~~Computer child pornography~~ Possession or use of child sexual abuse material.

(a) A person commits ~~computer child pornography~~ possession or use of child sexual abuse material if the person knowingly:

(1) Compiles, enters into, or transmits by means of computer, makes, prints, publishes, or reproduces by other computerized means, knowingly causes or allows to be entered into or transmitted by means of computer or buys, sells, receives, exchanges, or disseminates any notice, statement, or advertisement or any child's name, telephone number, place of residence, physical characteristics, or other descriptive or identifying information for purposes of facilitating, encouraging, offering, or soliciting sexually explicit conduct of or with any child or another individual believed by the person to be a child, or the visual depiction of the conduct; or

(2) Utilizes ~~a computer~~ an online computer service, ~~Internet~~ internet service, or local bulletin board service to seduce, solicit, lure, or entice or attempt to seduce, solicit, lure, or entice a child or another individual believed by the person to be a child, to engage in sexually explicit conduct.

(b) ~~Computer child pornography~~ Possession or use of child sexual abuse material is a Class B felony.

SECTION 4. Arkansas Code § 5-27-604 is amended to read as follows:

5-27-604. Failure to report ~~computer child pornography~~ existence of child sexual abuse material.

(a) A person commits failure to report ~~computer child pornography~~ the existence of child sexual abuse material if the person:

(1) Is the owner, operator, or employee of ~~a computer~~ an online computer service, ~~Internet~~ internet service, or bulletin board service; and

(2) Knowingly fails to notify a law enforcement official that a subscriber is using the ~~computer~~ online computer service, ~~Internet~~ internet service, or bulletin board service to commit a violation of § 5-27-603.

(b) Failure to report ~~computer child pornography~~ the existence of child sexual abuse material is a Class A misdemeanor.

SECTION 5. Arkansas Code § 6-17-410(c)(24), concerning licensure for

elementary and secondary education, is amended to read as follows:

(24) ~~Computer child pornography~~
Possession or use of child sexual abuse material as prohibited in § 5-27-603;

SECTION 6. Arkansas Code § 6-17-414(b)(24), concerning eligibility for employment for nonlicensed substitute teachers, is amended to read as follows:

(24) ~~Computer child pornography~~ Possession or use of child sexual abuse material as prohibited in § 5-27-603;

SECTION 7. Arkansas Code § 12-12-104(f)(2)(L), concerning the definition of "sex offense", is amended to read as follows:

(L) ~~Computer child pornography~~ Possession or use of child sexual abuse material, § 5-27-603;

SECTION 8. Arkansas Code § 12-12-903(13)(A)(i)(t), concerning the Sex Offender Registration Act of 1997, is amended to read as follows:

(t) ~~Computer child pornography~~ Possession or use of child sexual abuse material, § 5-27-603;

SECTION 9. Arkansas Code § 16-90-1101(6)(L), concerning the definition of "sex offense", is amended to read as follows:

(L) ~~Computer child pornography~~ Possession or use of child sexual abuse material, § 5-27-603;

SECTION 10. Arkansas Code § 17-3-102(a)(25), concerning license restrictions based on criminal records, is amended to read as follows:

(25) ~~Computer child pornography~~ Possession or use of child sexual abuse material as prohibited in § 5-27-603;

SECTION 11. Arkansas Code § 18-16-112(a)(4)(A)(xix), concerning the definition of "sex crime", is amended to read as follows:

(xix) ~~Computer child pornography~~ Possession or use of child sexual abuse material, § 5-27-603;

SECTION 12. Arkansas Code § 20-13-1106(a)(1)(GG), concerning

disqualifying offenses for emergency medical services, is amended to read as follows:

(GG) ~~Computer child pornography~~ Possession or use of child sexual abuse material as prohibited in § 5-27-603;

SECTION 13. Arkansas Code § 21-15-102(f)(31), concerning criminal background checks, is amended to read as follows:

(31) ~~Computer child pornography~~ Possession or use of child sexual abuse material, as prohibited in § 5-27-603;

SECTION 14. Arkansas Code § 21-15-103(g)(31), concerning criminal background checks, is amended to read as follows:

(31) ~~Computer child pornography~~ Possession or use of child sexual abuse material, as prohibited in § 5-27-603;

SECTION 15. Arkansas Code § 21-15-104(c)(18), concerning a waiver of exclusion or discharge requirement for persons in designated positions, is amended to read as follows:

(18) ~~Computer child pornography~~ Possession or use of child sexual abuse material, § 5-27-603;

APPROVED: 1/30/23