

Stricken language would be deleted from and underlined language would be added to present law.
Act 327 of the Regular Session

State of Arkansas
94th General Assembly
Regular Session, 2023

As Engrossed: H3/6/23
A Bill

HOUSE BILL 1459

By: Representatives C. Fite, Gazaway, Lundstrum, J. Mayberry

By: Senators K. Hammer, *Gilmore*

For An Act To Be Entitled

AN ACT TO AMEND THE LAW CONCERNING HUMAN TRAFFICKING AND RELATED OFFENSES; TO AMEND THE LAW CONCERNING FINES FOR HUMAN TRAFFICKING; TO AMEND THE LAW CONCERNING THE HUMAN TRAFFICKING VICTIM SUPPORT FUND; TO AMEND THE LAW CONCERNING THE SAFE HARBOR FUND FOR SEXUALLY EXPLOITED CHILDREN; AND FOR OTHER PURPOSES.

Subtitle

TO AMEND THE LAW CONCERNING HUMAN TRAFFICKING AND RELATED OFFENSES; AND TO AMEND THE LAW CONCERNING FINES FOR HUMAN TRAFFICKING.

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

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

(1) Recruits, harbors, transports, obtains, entices, solicits, isolates, provides, or maintains a person ~~knowing~~ when he or she knows or should know that the person will be subjected to involuntary servitude;

(2) Benefits financially or benefits by receiving anything of value from participation in a venture that he or she knows or should know is engaged in conduct prohibited 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;



(5) Sells or offers to sell travel services that he or she knows or should know include an activity prohibited under subdivisions (a)(1)-(4) of this section;

SECTION 2. Arkansas Code § 5-18-103(d), concerning trafficking of persons, is amended to read as follows:

(d)(1) 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 not less than five thousand dollars (\$5,000) nor more than fifteen thousand dollars (\$15,000).

(2) Fine payments received under subdivision (d)(1) of this section shall be deposited as follows:

(A) Fifty percent (50%) into the Safe Harbor Fund for Sexually Exploited Children; and

(B) Fifty percent (50%) into the Human Trafficking Victim Support Fund.

SECTION 3. Arkansas Code § 5-18-104(a), concerning patronizing a victim of human trafficking, is amended to read as follows:

(a) A person commits the offense of patronizing a victim of human trafficking if he or she knowingly engages in commercial sexual activity with another person ~~knowing that the other person~~ who he or she knows or should know is a victim of human trafficking.

SECTION 4. Arkansas Code § 5-18-104, concerning patronizing a victim of human trafficking, is amended to add an additional subsection to read as follows:

(c)(1) 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 not less than five thousand dollars (\$5,000) nor more than fifteen thousand dollars (\$15,000).

(2) Fine payments received under subdivision (c)(1) of this section shall be deposited as follows:

(A) Fifty percent (50%) into the Safe Harbor Fund for

Sexually Exploited Children; and

(B) Fifty percent (50%) into the Human Trafficking Victim Support Fund.

SECTION 5. Arkansas Code § 5-18-106, concerning grooming a minor for future sex trafficking, is amended to add an additional subsection to read as follows:

(c)(1) 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 not less than five thousand dollars (\$5,000) nor more than fifteen thousand dollars (\$15,000).

(2) Fine payments received under subdivision (c)(1) of this section shall be deposited as follows:

(A) Fifty percent (50%) into the Safe Harbor Fund for Sexually Exploited Children; and

(B) Fifty percent (50%) into the Human Trafficking Victim Support Fund.

SECTION 6. Arkansas Code § 5-18-107, concerning traveling for the purpose of an unlawful sex act with a minor, is amended to add an additional subsection to read as follows:

(f)(1) 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 not less than five thousand dollars (\$5,000) nor more than fifteen thousand dollars (\$15,000).

(2) Fine payments received under subdivision (f)(1) of this section shall be deposited as follows:

(A) Fifty percent (50%) into the Safe Harbor Fund for Sexually Exploited Children; and

(B) Fifty percent (50%) into the Human Trafficking Victim Support Fund.

SECTION 7. Arkansas Code § 5-70-102(e), concerning prostitution, is amended to read as follows:

(e)(1) 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:

(A) One thousand dollars (\$1,000) if convicted of a Class B misdemeanor; or

(B) Two thousand five hundred dollars (\$2,500) if convicted of a Class A misdemeanor.

(2) Fine payments received under subdivision (e)(1) of this section shall be deposited as follows:

(A) Fifty percent (50%) into the Safe Harbor Fund for Sexually Exploited Children; and

(B) Fifty percent (50%) into the Human Trafficking Victim Support Fund.

SECTION 8. Arkansas Code § 5-70-103(d), concerning the solicitation of sex, is amended to read as follows:

(d)(1) 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)~~ two thousand five hundred dollars (\$2,500).

(2) Fine payments received under subdivision (d)(1) of this section shall be deposited as follows:

(A) Fifty percent (50%) into the Safe Harbor Fund for Sexually Exploited Children; and

(B) Fifty percent (50%) into the Human Trafficking Victim Support Fund.

SECTION 9. Arkansas Code § 5-70-104, concerning promoting prostitution in the first degree, is amended to add an additional subsection to read as follows:

(c)(1) 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 thousand five hundred dollars (\$2,500).

(2) Fine payments received under subdivision (c)(1) of this section shall be deposited as follows:

(A) Fifty percent (50%) into the Safe Harbor Fund for Sexually Exploited Children; and

(B) Fifty percent (50%) into the Human Trafficking Victim Support Fund.

SECTION 10. Arkansas Code § 5-70-105, concerning promoting prostitution in the second degree, is amended to add an additional subsection to read as follows:

(c)(1) 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 thousand five hundred dollars (\$2,500).

(2) Fine payments received under subdivision (c)(1) of this section shall be deposited as follows:

(A) Fifty percent (50%) into the Safe Harbor Fund for Sexually Exploited Children; and

(B) Fifty percent (50%) into the Human Trafficking Victim Support Fund.

SECTION 11. Arkansas Code § 5-70-106, concerning promoting prostitution in the third degree, is amended to add an additional subsection to read as follows:

(c)(1) 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 one thousand dollars (\$1,000).

(2) Fine payments received under subdivision (c)(1) of this section shall be deposited as follows:

(A) Fifty percent (50%) into the Safe Harbor Fund for Sexually Exploited Children; and

(B) Fifty percent (50%) into the Human Trafficking Victim Support Fund.

SECTION 12. Arkansas Code § 19-5-1252(b), concerning the Safe Harbor

Fund for Sexually Exploited Children, is amended to read as follows:

(b) The fund shall consist of fines collected under §§ 5-18-103(d), 5-18-104(c), 5-18-106(c), 5-18-107(f), ~~5-70-102(d)~~ 5-70-102(e), 5-70-103(d), 5-70-104(c), 5-70-105(c), and 5-70-106(c) and any other revenues authorized by law.

SECTION 13. Arkansas Code § 19-5-1261(b), concerning the Human Trafficking Victim Support Fund, is amended to read as follows:

(b) The fund shall consist of fees collected under § 5-5-501(d), fines collected under §§ 5-18-103(d), 5-18-104(c), 5-18-106(c), 5-18-107(f), 5-70-102(e), 5-70-103(d), 5-70-104(c), 5-70-105(c), and 5-70-106(c), and any other revenues authorized by law.

SECTION 14. Arkansas Code § 19-5-1261(c), concerning the Human Trafficking Victim Support Fund, is amended to read as follows:

(c)(1) The fund shall be administered by the Attorney General.

(2) The Attorney General shall use the fund to provide:

(A) Grants to nonprofit, religious, and other third-party organizations that provide services and treatment, such as securing residential housing, health services, and social services for victims of human trafficking; ~~and~~

(B) Training and education related to human trafficking to law enforcement; and

(C) For the management and operation of the fund.

/s/C. Fite

APPROVED: 3/21/23