

State of Arkansas
94th General Assembly
Regular Session, 2023

As Engrossed: H3/29/23
A Bill

HOUSE BILL 1502

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

By: Senator K. Hammer

For An Act To Be Entitled

AN ACT TO CREATE THE OFFENSE OF SEXUAL SOLICITATION OF A MINOR; 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 CREATE THE OFFENSE OF SEXUAL SOLICITATION OF A MINOR; TO AMEND THE LAW CONCERNING THE HUMAN TRAFFICKING VICTIM SUPPORT FUND; AND TO AMEND THE LAW CONCERNING THE SAFE HARBOR FUND FOR SEXUALLY EXPLOITED CHILDREN.

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

SECTION 1. Arkansas Code Title 5, Chapter 70, Subchapter 1, is amended to add an additional section to read as follows:

5-70-107. Sexual solicitation of a minor.

(a) A person commits the offense of sexual solicitation of a minor if he or she:

(1) Offers or agrees to pay a fee or provide a thing of value to a person who he or she knows or reasonably should know is a minor to engage in sexual activity with the person who he or she knows or reasonably should know is a minor;

(2) Offers or agrees to pay a fee or provide a thing of value to



another person for the purpose of engaging in sexual activity with a person who he or she knows or reasonably should know is a minor;

(3) Solicits, offers, or agrees to accept a fee or a thing of value from another person for the purpose of allowing the other person to engage in sexual activity with a person who he or she knows or reasonably should know is a minor; or

(4) Pays a fee or provides a thing of value to a person who he or she knows or reasonably should know is a minor or another person for the purpose of engaging in sexual activity with the person who he or she knows or reasonably should know is a minor.

(b) It is an affirmative defense to a prosecution under this section that the actor in good faith reasonably believed that the minor was eighteen (18) years of age or older.

(c) It is not a defense to a prosecution under this section that the minor consented to the sexual activity.

(d) Sexual solicitation of a minor is a Class B felony.

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

(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 2. 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), 5-70-102(d), ~~and~~ 5-70-103(d), and 5-70-107(e) and any other revenues authorized by law.

SECTION 3. Arkansas Code § 19-5-1252(d), concerning the Safe Harbor Fund for Sexually Exploited Children, is amended to read as follows:

(d) As used in this section, "sexually exploited child" means a person less than eighteen (18) years of age who has been subject to sexual exploitation because the person:

- (1) Is a victim of trafficking of persons under § 5-18-103;
- (2) Is a victim of child sex trafficking under 18 U.S.C. § 1591, as it existed on January 1, 2013; or
- (3) Engages in an act of prostitution under § 5-70-102 or sexual solicitation under § 5-70-103 or § 5-70-107.

SECTION 4. 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) and 5-70-107(e) and any other revenues authorized by law.

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

(d) As used in this section, "victim of human trafficking" means a person who has been subject to sexual exploitation because the person:

- (1) Is a victim of trafficking of persons under § 5-18-103;
- (2) Is a victim of child sex trafficking under 18 U.S.C. § 1591, as it existed on January 1, 2017; or
- (3) Engages in an act of prostitution under § 5-70-102 or sexual solicitation under § 5-70-103 or § 5-70-107.

/s/Gazaway

APPROVED: 4/12/23