



*Arkansas  
Sentencing  
Commission*

**Impact Assessment for HB1530  
Sponsored by Representative D. Meeks**

**Subtitle** TO PREVENT ADVERTISING FOR AND PROVIDING ACTIVITIES INVOLVING OR LEADING TO TRAFFICKING OF PERSONS; AND TO PROHIBIT HUMAN TRAFFICKING TOURISM.

**Impact Summary**<sup>1</sup> Undetermined.

**Change from current law**<sup>2</sup> Amends Arkansas Code § 5-18-103(a), concerning trafficking of persons, by adding two new courses of conduct by which an offender may commit the offense of trafficking of persons.

Under the proposed bill, a person commits the offense of trafficking of persons under A.C.A. § 5-18-103(a) if he or she knowingly (5) advertises an activity prohibited under subdivisions (a)(1)-(4) of this section; or (6) sells or offers to sell travel services that includes or facilitates an activity prohibited under substances (a)(1)-(4) of this section. See attached for current code provision.

**Impact Information**

The Administrative Office of the Courts reports that there has been one (1) case of Trafficking of persons, A.C.A. § 5-18-103, Class A felony and one (1) case of Attempt to commit trafficking of persons, Class B felony, which resulted in convictions since 8/16/2013, the effective date of this offense. Both of these offenders are currently serving a term of incarceration in the Arkansas Department of Correction. Please note that there are multiple courses of conduct for which an offender may be charged with Trafficking of persons. Data received does not identify which conduct (i.e. specific subsection) these offenders were convicted of.

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<sup>1</sup> This impact assessment was prepared (3/3/2015, 9:22 a.m.) by the staff of the Arkansas Sentencing Commission pursuant to A. C. A. § 16-90-802(d)(6) with data supplied by the Arkansas Department of Correction and the Administrative Office of the Courts. A micro-simulation model may be used for bills which have the potential for significant impact on correctional resources. The following designations will be used: “minimal” = less than 10 offenders per year will be affected; “medium” = would require budgetary increases for ADC inmate costs; and “major” = would require budgetary increases for ADC inmate costs and construction costs for additional beds.

<sup>2</sup> Standard punishment ranges:

Class Y	10-40 years or life	Class C	3-10 years; up to \$10,000	Class A	Up to 1 year; up to \$2,500
Class A	6-30 years; up to \$15,000	Class D	0-6 years; up to \$10,000	Class B	Up to 90 days; up to \$1,000
Class B	5-20 years; up to \$15,000	Unclassified	As specified in statute	Class C	Up to 30 days; up to \$500

**A.C.A. § 5-18-103. Trafficking of persons.**

(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; or

(4) Recruits, entices, solicits, isolates, harbors, transports, provides, maintains, or obtains a minor for commercial sexual activity.

(b) It is not a defense to prosecution under subdivision (a)(4) of this section that the actor:

(1) Did not have knowledge of a victim's age; or

(2) Mistakenly believed a victim was not a minor.

(c) (1) Trafficking of persons is a Class A felony.

(2) Trafficking of persons is a Class Y felony if a victim was a minor at the time of the offense.

(d) 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.

HISTORY: Acts 2013, No. 132, § 3; 2013, No. 133, § 3; 2013, No. 1257, § 4.