

Stricken language would be deleted from and underlined language would be added to present law.

State of Arkansas  
89th General Assembly  
Regular Session, 2013

As Engrossed: S3/18/13

## A Bill

SENATE BILL 1022

By: Senator Irvin

### For An Act To Be Entitled

AN ACT AMENDING THE OFFENSE OF SEXUAL ASSAULT IN THE  
FOURTH DEGREE AND PROVIDING AN AFFIRMATIVE DEFENSE;  
AND FOR OTHER PURPOSES.

### Subtitle

AMENDING THE OFFENSE OF SEXUAL ASSAULT IN  
THE FOURTH DEGREE AND PROVIDING AN  
AFFIRMATIVE DEFENSE.

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

*SECTION 1. Arkansas Code § 5-14-127 is amended to read as follows:  
5-14-127. Sexual assault in the fourth degree.*

*(a) A person commits sexual assault in the fourth degree if the  
person:*

*(1) Being ~~twenty (20)~~ eighteen (18) years of age or older:*

*(A) Engages in sexual intercourse or deviate sexual  
activity with another person who is:*

*(i) Less than sixteen (16) years of age; and*

*(ii) Not the person's spouse; or*

*(B) Engages in sexual contact with another person who is:*

*(i) Less than sixteen (16) years of age; and*

*(ii) Not the person's spouse; or*

*(2) Engages in sexual contact with another person who is not the  
actor's spouse, and the actor is employed with the Department of Correction,  
Department of Community Correction, Department of Human Services, or any city  
or county jail, and the victim is in the custody of the Department of*



*Correction, Department of Community Correction, Department of Human Services, or a city or county jail.*

*(b)(1) Sexual assault in the fourth degree under subdivisions (a)(1)(A) and (a)(2) of this section is a Class D felony.*

*(2) Sexual assault in the fourth degree under subdivision (a)(1)(B) of this section is a Class A misdemeanor if the person engages only in sexual contact with another person as described in subdivision (a)(1)(B) of this section.*

*(c) It is an affirmative defense to a prosecution under subdivision (a)(1) of this section that the actor was not more than three (3) years older than the victim.*

*/s/Irvin*