

State of Arkansas
89th General Assembly
Regular Session, 2013

A Bill

SENATE BILL 977

By: Senators J. Dismang, E. Williams

For An Act To Be Entitled

AN ACT TO CLARIFY WHO COMMITS THE CRIME OF SEXUAL
ASSAULT IN THE FIRST DEGREE; AND FOR OTHER PURPOSES.

Subtitle

TO CLARIFY WHO COMMITS THE CRIME OF
SEXUAL ASSAULT IN THE FIRST DEGREE.

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

SECTION 1. Arkansas Code § 5-14-124(a), concerning sexual assault in the first degree, is amended to read as follows:

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

(1) The ~~(1) the~~ person engages in sexual intercourse or deviate sexual activity with a minor who is not the actor's spouse and the actor is:

~~(1)(A)~~ (A) Employed with the Department of Correction, the Department of Community Correction, the Department of Human Services, or any city or county jail or a juvenile detention facility, and the victim is in the custody of the Department of Correction, the Department of Community Correction, the Department of Human Services, any city or county jail or juvenile detention facility, or their contractors or agents;

~~(2)(B)~~ (B) A mandated reporter under § 12-18-402(b) and is in a position of trust or authority over the victim and uses the position of trust or authority to engage in sexual intercourse or deviate sexual activity; or

~~(3)(C)~~ (C) An employee in the victim's school or school district, a temporary caretaker, or a person in a position of trust or authority over the victim; or

(2) The person is a teacher, principal, athletic coach, or



counselor in a public or private school in kindergarten through grade twelve (K-12) and the actor;

(A) Engages in sexual intercourse or deviate sexual activity with a person who is not the actor's spouse and the victim is:

(i) Less than twenty-one (21) years of age; and

(ii) A student enrolled in the public or private school employing the actor; and

(B) Is in a position of trust or authority over the victim and uses his or her position of trust or authority over the victim to engage in sexual intercourse or deviate sexual activity.