

State of Arkansas
91st General Assembly
Regular Session, 2017

A Bill

HOUSE BILL 1177

By: Representative Tucker
By: Senator J. Hutchinson

For An Act To Be Entitled

AN ACT INCREASING THE AVAILABLE SENTENCES FOR CERTAIN
SEX OFFENSES WHEN COMMITTED AGAINST A FAMILY OR
HOUSEHOLD MEMBER; AND FOR OTHER PURPOSES.

Subtitle

INCREASING THE AVAILABLE SENTENCES FOR
CERTAIN SEX OFFENSES WHEN COMMITTED
AGAINST A FAMILY OR HOUSEHOLD MEMBER.

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

SECTION 1. Arkansas Code § 5-14-101, concerning definitions that apply to sexual offenses, is amended to add a new definition to read as follows:

(12) "Family or household member" means the same as defined in § 5-26-302.

SECTION 2. Arkansas Code § 5-14-103(c), concerning the sentence for rape, is amended to read as follows:

(c)(1) Rape is a Class Y felony.

(2) ~~Any~~ A person who pleads guilty or nolo contendere to or is found guilty of rape ~~involving~~ committed against a victim described in this subdivision (c)(2) is subject to the greater of the following minimum terms of imprisonment:

(A) If a the victim ~~who~~ is less than fourteen (14) years of age, ~~shall~~ the person shall be sentenced to a minimum term of imprisonment of twenty-five (25) years; ~~or~~



(B) If the victim is a family or household member, the person shall be sentenced to a minimum term of imprisonment of twenty (20) years.

SECTION 3. Arkansas Code § 5-14-110(b), concerning the sentence for sexual indecency with a child, is amended to read as follows:

(b)(1) Sexual indecency with a child is a Class C felony if the victim is a family or household member.

(2) Otherwise, sexual indecency with a child is a Class D felony.

SECTION 4. Arkansas Code § 5-14-123(d), concerning the sentence for exposing another person to the human immunodeficiency virus, is amended to read as follows:

(d)(1) Exposing another person to human immunodeficiency virus is a Class Y felony if the victim is a family or household member.

(2) Otherwise, exposing another person to human immunodeficiency virus is a Class A felony.

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

(d)(1) Sexual assault in the first degree is a Class Y felony if the victim is a family or household member.

(2) Otherwise, sexual assault in the first degree is a Class A felony.

SECTION 6. Arkansas Code § 5-14-125(b), concerning the sentence for sexual assault in the second degree, is amended to read as follows:

(b)(1) Sexual assault in the second degree is a Class B felony.

~~(2) Sexual assault in the second degree is a Class D felony if committed by a minor with another person who is:~~

~~(A) Less than fourteen (14) years of age; and~~

~~(B) Not the person's spouse.~~

(1) Class A felony if the victim is a family or household member;

(2) Class C felony if committed by a minor and the victim is:

- (A) Less than fourteen (14) years of age;
- (B) Not the minor's spouse; and
- (C) A family or household member;
- (3) Class D felony if committed by a minor and the victim is:
 - (A) Less than fourteen (14) years of age; and
 - (B) Not the minor's spouse; or
- (4) Class B felony if otherwise committed.

SECTION 7. Arkansas Code § 5-14-126(c), concerning the sentence for sexual assault in the third degree, is amended to read as follows:

(c)(1) Sexual assault in the third degree under subdivision (a)(2) of this section is a Class B felony if the victim is a family or household member.

(2) Otherwise, sexual assault in the third degree is a Class C felony.

SECTION 8. Arkansas Code § 5-14-127(b), concerning the sentence for sexual assault in the fourth degree, is amended to read as follows:

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

(A) Class C felony if the victim is a family or household member; or

(B) Class D felony if otherwise committed.

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

(A) Class D felony if the victim is a family or household member; or

(B) Class A misdemeanor if otherwise committed.