

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

State of Arkansas
91st General Assembly
Regular Session, 2017

A Bill

HOUSE BILL 1453

By: Representative Farrer
By: Senator E. Williams

For An Act To Be Entitled

AN ACT PROHIBITING IMPROPER SEXUAL CONDUCT BETWEEN A
PROBATION OR PAROLE OFFICER AND A PERSON BEING
SUPERVISED ON PROBATION, PAROLE, OR OTHER COURT-
ORDERED REASON; AND FOR OTHER PURPOSES.

Subtitle

PROHIBITING IMPROPER SEXUAL CONDUCT
BETWEEN A PROBATION OR PAROLE OFFICER AND
A PERSON BEING SUPERVISED ON PROBATION,
PAROLE, OR OTHER COURT-ORDERED REASON.

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

SECTION 1. Arkansas Code § 5-14-110(a)(4), concerning the elements of sexual indecency with a child, is amended to read as follows:

(4) With the purpose to arouse or gratify his or her sexual desire or a sexual desire of another person, the person, being eighteen (18) years of age or older, causes or coerces a minor to expose his or her sex organs to the actor or another person, and the actor is:

(A) Employed with the Department of Correction, the Department of Community Correction, any city or county jail, or any juvenile detention facility, and the minor is in custody at a facility operated by the agency or contractor employing the actor;

(B) Employed by or contracted with the Department of Community Correction, a local law enforcement agency, a court, or a local government and the actor is supervising the minor while the minor is on



probation or parole or for any other court-ordered reason;

~~(B)~~(C) A mandated reporter under § 12-18-402(b) and is in a position of trust or authority over the minor; or

~~(C)~~(D) The minor's parent or guardian, an employee in the minor's school or school district, a temporary caretaker, or a person in a position of trust or authority over the minor; or

SECTION 2. Arkansas Code § 5-14-124(a)(1), concerning the elements of sexual assault in the first degree, is amended to read as follows:

(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:

(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;

(B) Employed by or contracted with the Department of Community Correction, a local law enforcement agency, a court, or a local government and the actor is supervising the minor while the minor is on probation or parole or for any other court-ordered reason;

~~(B)~~(C) 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

~~(C)~~(D) 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

SECTION 3. Arkansas Code § 5-14-125(a)(4), concerning the elements of sexual assault in the second degree, is amended to read as follows:

(4)(A) Engages in sexual contact with a minor and the actor is:

(i) Employed with the Department of Correction, the Department of Community Correction, any city or county jail, or any juvenile detention facility, and the minor is in custody at a facility operated by the agency or contractor employing the actor;

(ii) Employed by or contracted with the Department of Community Correction, a local law enforcement agency, a court, or a local government and the actor is supervising the minor while the minor is on probation or parole or for any other court-ordered reason;

~~(ii)~~(iii) A mandated reporter under § 12-18-402(b) and is in a position of trust or authority over the minor; or

~~(iii)~~(iv) The minor's guardian, an employee in the minor's school or school district, a temporary caretaker, or a person in a position of trust or authority over the minor.

(B) For purposes of subdivision (a)(4)(A) of this section, consent of the minor is not a defense to a prosecution;

SECTION 4. Arkansas Code § 5-14-126(a)(1), concerning the elements of sexual assault in the third degree, is amended to read as follows:

(1) Engages in sexual intercourse or deviate sexual activity with another person who is not the actor's spouse, and the actor is:

(A) Employed with the Department of Correction, the Department of Community Correction, the Department of Human Services, or any city or county jail, and the victim is in the custody of the Department of Correction, the Department of Community Correction, the Department of Human Services, or any city or county jail;

(B) Employed by or contracted with the Department of Community Correction, a local law enforcement agency, a court, or a local government and the actor is supervising the person while the person is on probation or parole or for any other court-ordered reason;

~~(B)~~(C) Employed or contracted with or otherwise providing services, supplies, or supervision to an agency maintaining custody of inmates, detainees, or juveniles, and the victim is in the custody of the Department of Correction, the Department of Community Correction, the Department of Human Services, or any city or county jail; or

~~(C)~~(D) A mandated reporter under § 12-18-402(b) or a member of the clergy 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