

State of Arkansas
92nd General Assembly
Regular Session, 2019

A Bill

HOUSE BILL 1279

By: Representative Gazaway

For An Act To Be Entitled

AN ACT TO AMEND THE OFFENSE OF SEXUALLY GROOMING A CHILD; AND FOR OTHER PURPOSES.

Subtitle

TO AMEND THE OFFENSE OF SEXUALLY GROOMING A CHILD.

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

SECTION 1. Arkansas Code § 5-27-307 is amended to read as follows:
5-27-307. Sexually grooming a child.

(a) As used in this section, "disseminates" means to allow to view, expose, furnish, present, sell, or otherwise distribute.

(b) A person commits sexually grooming a child if he or she knowingly:
(1) disseminates Disseminates to a child thirteen (13) years of age or younger with or without consideration a visual or print medium depicting sexually explicit conduct with the purpose to entice, induce, ~~or~~ groom, or lure the child thirteen (13) years of age or younger to engage in the following with a person:

- ~~(1)(A)~~ Sexual intercourse;
- ~~(2)(B)~~ Sexually explicit conduct; or
- ~~(3)(C)~~ Deviate sexual activity~~+~~; or

(2) Transfers to a child sixteen (16) years of age or younger a device used for communication with the purpose to:

(A) Communicate with the child sixteen (16) years of age or younger through the device in a clandestine manner; and

(B) Entice, induce, groom, or lure the child sixteen (16)



years of age or younger to engage in unlawful:

- (i) Sexual contact;
- (ii) Sexual intercourse;
- (iii) Sexually explicit conduct; or
- (iv) Deviate sexual activity.

(c)(1) Sexually grooming a child under subdivision (b)(1) of this section is a:

~~(1)(A)~~ Class D felony if the actor is twenty-one (21) years of age or older; or

~~(2)(B)~~ Class A misdemeanor if the actor is ~~younger than~~ under twenty-one (21) years of age.

(2)(A) Sexually grooming a child under subdivision (b)(2) of this section is a Class D felony if the victim is under sixteen (16) years of age.

(B) Otherwise, sexually grooming a child under subdivision (b)(2) of this section is a Class A misdemeanor.

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

(2) It is an affirmative defense to prosecution under subdivision (b)(2) of this section if:

(A) The victim was sixteen (16) years of age and the actor was twenty-one (21) years of age or younger; or

(B) The victim was under sixteen (16) years of age and the actor was not more than three (3) years older than the victim.

(e) It is not a defense to prosecution under:

(1) Subdivision (b)(1) of this section that the actor ~~does~~ did not know the age of the child or ~~believes~~ believed the child ~~is~~ was fourteen (14) years of age or older; or

(2) Subdivision (b)(2) of this section that the actor did not know the age of the child or believed the child was seventeen (17) years of age or older.