

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

State of Arkansas
92nd General Assembly
Regular Session, 2019

A Bill

SENATE BILL 610

By: Senators Irvin, G. Leding

For An Act To Be Entitled

AN ACT TO BE KNOWN AS "SARA'S LAW"; CONCERNING THE
SENTENCING OF A JUVENILE; AND FOR OTHER PURPOSES.

Subtitle

TO BE KNOWN AS "SARA'S LAW"; CONCERNING
THE SENTENCING OF A JUVENILE.

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

SECTION 1. DO NOT CODIFY. Legislative findings.

The General Assembly finds that:

(1) In the United States, child protective services estimates that sixty-three thousands (63,000) children are sexually abused each year;

(2) In the United States, one (1) in nine (9) girls and one (1) in fifty-three (53) boys under eighteen (18) years of age experience sexual abuse or assault at the hands of an adult, ninety-three percent (93%) of which is committed by an individual that the child knows;

(3) The National Center for Missing and Exploited Children has estimated that approximately one hundred thousand (100,000) children in the United States are victims of commercial sexual exploitation every year;

(4) Children who are victims of sexual assault are four (4) times more likely to become addicted to drugs, four (4) times as likely to experience post-traumatic stress disorder as a child who was not a victim of sexual assault, and three (3) times more likely to experience a major depressive episode;

(5) Child abusers and child traffickers often make their victims undergo prolonged stages of grooming, which include:



- (A) Targeting the child;
- (B) Gaining the child's trust;
- (C) Filling a need;
- (D) Isolating the child;
- (E) Sexualizing the relationship; and
- (F) Maintaining control;

(6) Children who commit crimes against persons who have previously sexually abused them or subjected them to child trafficking should not be subject to lengthy prison sentences, but instead should be treated as victims and be provided with expanded treatment and services;

(7) Judges should have greater flexibility in cases involving a child sex trafficking victim or child sex abuse victim when the victim commits a crime against the victim's abuser so that a more just solution can be found; and

(8) The intent of this act is to prevent future injustices of child sex trafficking victims receiving extreme punishments for crimes committed against their abusers.

SECTION 2. DO NOT CODIFY. Title.

This act shall be known and cited as "Sara's Law".

SECTION 3. Arkansas Code Title 16, Chapter 90, Subchapter 1, is amended to add an additional section to read as follows:

16-90-124. Minor victims – Acts against abusers.

(a) As used in this section, "mandatory minimum" means the minimum number of years of imprisonment a person is required to serve based on the felony or misdemeanor classification of the offense.

(b) If a minor is convicted as an adult for an offense that the minor committed while he or she was less than eighteen (18) years of age and the court finds by clear and convincing evidence that the person against whom the minor was convicted of committing the offense trafficked the minor or sexually abused or sexually assaulted the minor within one (1) year before the commission of the offense, the court may:

(1) Depart from any mandatory minimum sentence or sentence enhancement;

(2) Suspend any portion of an otherwise applicable sentence; or

(3) Transfer the minor to the jurisdiction of the juvenile division of circuit court for further proceedings.