

State of Arkansas  
93rd General Assembly  
Regular Session, 2021

# A Bill

HOUSE BILL 1124

By: Representative M. Berry

By: Senator T. Garner

## For An Act To Be Entitled

AN ACT TO AMEND THE PUNITIVE ARTICLES OF THE MILITARY CODE OF ARKANSAS CONCERNING SEXUAL ASSAULT AND SEXUAL CONTACT; AND FOR OTHER PURPOSES.

### Subtitle

TO AMEND THE PUNITIVE ARTICLES OF THE MILITARY CODE OF ARKANSAS CONCERNING SEXUAL ASSAULT AND SEXUAL CONTACT.

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

SECTION 1. Arkansas Code § 5-53-134(f)(1), concerning the violation of an order or protection, is amended to read as follows:

(f) As used in this section:

(1) "Military order of protection" means an official command directed at a service member for the purpose of preventing violent and threatening acts against a person who:

- (A) Is the current or former spouse of the service member;
- (B) Is or was a child, step-child, parent, step-parent, sibling, guardian, or ward of the service member;
- (C) Is residing or cohabitating or in the past has resided or cohabitated with the service member;
- (D) Has or had a child in common with the service member;
- (E) Is or has been in a dating relationship with the service member as defined by § 9-15-103;
- (F) Has had an intimate sexual relationship with the



service member; or

(G) Has made allegations against the service member of violations of the punitive article of sexual ~~misconduct~~ assault as defined by § ~~12-64-845~~ 12-64-852; and

SECTION 2. Arkansas Code § 12-60-102, concerning the definitions used in the Military Code of Arkansas, is amended to add an additional subdivision:

(21) "Sexual contact" means the act of touching, or causing another person to touch, either directly or through clothing, by the use of any part of a person's body or an object:

(A) The vulva, penis, scrotum, anus, groin, breast, inner thigh, or buttocks of any person; and

(B) With a purpose to abuse, humiliate, harass, or degrade any person or to arouse or gratify the sexual desire of any person.

SECTION 3. Arkansas Code § 12-64-845 is repealed.

~~12-64-845. Sexual misconduct.~~

~~A person subject to this code who engages in sexual contact with unlawful force, abuse of authority, or violence is guilty of sexual misconduct and shall be punished as a court-martial may direct.~~

SECTION 4. Arkansas Code Title 12, Chapter 64, Subchapter 8, is amended to add an additional section to read as follows:

12-64-852. Sexual assault.

A person subject to this code is guilty of sexual assault and shall be punished as a court-martial directs if the person engages in sexual contact with another person:

(1) By forcible compulsion;

(2) Who is incapable of consent because he or she is:

(A) Physically helpless;

(B) Mentally defective; or

(C) Mentally incapacitated; or

(3) By abuse of authority.