

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

State of Arkansas
93rd General Assembly
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As Engrossed: H4/1/21 S4/19/21

A Bill

HOUSE BILL 1740

By: Representatives Lundstrum, Bentley, M. Berry, Brooks, Brown, Christiansen, Cloud, C. Cooper, Crawford, Milligan, Richmond, Rye, B. Smith, Wing, Wooten

By: Senator Bledsoe

For An Act To Be Entitled

AN ACT TO COMBAT SEX TRAFFICKING OF MINORS; TO PROTECT THE CHILDREN OF ARKANSAS FROM SEXUAL PREDATORS AND PEDOPHILES; AND FOR OTHER PURPOSES.

Subtitle

TO COMBAT SEX TRAFFICKING OF MINORS; AND TO PROTECT THE CHILDREN OF ARKANSAS FROM SEXUAL PREDATORS AND PEDOPHILES.

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

SECTION 1. DO NOT CODIFY. Legislative findings.

(a) The General Assembly finds that:

(1)(A) Sex trafficking of children is a business that is growing and flourishing in the State of Arkansas.

(B)(i) In 2019, the Polaris Project worked on over eleven thousand (11,000) cases of human trafficking reported to the National Human Trafficking Hotline.

(ii) These cases involved over twenty-two thousand (22,000) individual survivors, over four thousand (4,000) traffickers, and almost two thousand (2,000) suspicious businesses.

(iii) Human trafficking is notoriously underreported to law enforcement and as shocking as these numbers are, they are likely only a fraction of the actual amount.

(C) The National Human Trafficking Hotline identified in



2019 one hundred eighty-four (184) victims of human trafficking as well as sixty (60) known traffickers.

(D) Since the beginning of 2018, the organization Into the Light has served ninety-seven (97) victims and survivors of sex trafficking in Arkansas;

(2)(A) Persons engaging in the business of child sex trafficking, whether buying or selling a child, are engaging in deviate sexual activity.

(B) By amending the age of consent to eighteen (18) years of age in this act, law enforcement will be able to more readily ascertain if the law has been violated;

(3)(A) Children who have been groomed and forced into sexual slavery experience polyvictimization, which results in significant physical, emotional, and psychological trauma.

(B) Due to the devastating effects of polyvictimization of this trauma, victims need extensive services.

(C) Sex trafficking is costly to Arkansas's overburdened social service system;

(4)(A) Traffickers target Arkansas's most vulnerable populations. Those populations include children in foster care, children with a history of abuse and neglect, and children involved in the juvenile justice system.

(B) Arkansas's laws must protect Arkansas's most vulnerable children from further exploitation and victimization; and

(5)(A) With the increased pervasiveness of social media, Arkansas has become a known destination for child sex tourism.

(B) Arkansas's current laws create an open door to traffickers and predators from any location and send the message that children can be exploited without fear of legal consequences.

(C) Raising the age of consent will remove the disparities in service, care, and protection for older children.

SECTION 2. Arkansas Code § 5-18-102, concerning the definitions used in regard to the Human Trafficking Act of 2013, is amended to add an additional subdivision to read as follows:

(16) "Grooms" means to expose a minor to sexually explicit

language or to a visual or print medium depicting sexually explicit conduct with the purpose to gain the trust of the minor; and

(17)(A) "Sexually explicit" means a depiction or description of a sex act that:

(i) Either:

(a) Appeals to the prurient interest; or

(b) Depicts or describes, in a patently offensive way, the sex act; and

(ii) Depicts or describes the sex act in a way that lacks literary, artistic, political, or scientific value.

(B) "Sexually explicit" includes without limitation a depiction or description of a sex act by a minor or that would create criminal liability under § 5-27-303 or § 5-27-304.

SECTION 3. Arkansas Code Title 5, Chapter 18, is amended to add additional sections to read as follows:

5-18-106. Grooming a minor for future sex trafficking.

(a) A person commits grooming a minor for future sex trafficking if the person knowingly grooms a minor with a purpose to make it more likely that the minor can be enticed or induced into a future sex trafficking act with a person.

(b) Grooming a minor for future sex trafficking is a Class B felony.

5-18-107. Traveling for the purpose of an unlawful sex act with a minor.

(a) As used in this section, "travels" means to leave one's residence or locality to go away on a trip, tour, or journey.

(b) A person commits traveling for the purpose of an unlawful sex act with a minor if the person is eighteen (18) years of age or older and knowingly travels for the purpose of engaging in an unlawful sex act with a minor or a person he or she believes is a minor.

(c) Traveling for the purpose of an unlawful sex act with a minor is a Class B felony.

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

(e) Consent is not a defense to prosecution under this section.

/s/Lundstrum