

State of Arkansas
94th General Assembly
Regular Session, 2023

A Bill

HOUSE BILL 1124

By: Representative Vaught
By: Senator K. Hammer

For An Act To Be Entitled

AN ACT TO AMEND THE OFFENSE OF SEXUAL ASSAULT IN THE SECOND DEGREE; TO PROVIDE THAT SEXUAL INTERCOURSE OR DEVIATE SEXUAL ACTIVITY WITH CERTAIN MINORS CONSTITUTES SEXUAL ASSAULT IN THE SECOND DEGREE; TO AMEND THE OFFENSE OF SEXUAL ASSAULT IN THE FOURTH DEGREE; AND FOR OTHER PURPOSES.

Subtitle

TO PROVIDE THAT SEXUAL INTERCOURSE OR DEVIATE SEXUAL ACTIVITY WITH CERTAIN MINORS CONSTITUTES SEXUAL ASSAULT IN THE SECOND DEGREE.

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

SECTION 1. Arkansas Code § 5-14-125(a), concerning conduct by a person that constitutes sexual assault in the second degree, is amended to add an additional subdivision to read as follows:

(7)(A) Being twenty (20) years of age or older, engages in sexual intercourse or deviate sexual activity with a person who is:

(i) Less than seventeen (17) years of age; and

(ii) Not the actor's spouse.

(B) It is not a defense to a prosecution under this subdivision (a)(7) that the victim consented to the conduct.

SECTION 2. Arkansas Code § 5-14-127 is amended to read as follows:



5-14-127. Sexual assault in the fourth degree.

(a) A person commits sexual assault in the fourth degree if the person:

(1) Being twenty (20) years of age or older~~+~~,

~~(A) Engages in sexual intercourse or deviate sexual activity with another person who is:~~

~~(i) Less than sixteen (16) years of age; and~~

~~(ii) Not the person's spouse; or~~

~~(B) Engages engages in sexual contact with another person who is:~~

~~(i)(A) Less than sixteen (16) years of age; and~~

~~(ii)(B) Not the person's spouse; or~~

(2) Engages in sexual contact with another person who is not the actor's spouse, and the actor is employed with the Division of Correction, Division of Community Correction, Department of Human Services, or any city or county jail, and the victim is in the custody of the Division of Correction, Division of Community Correction, Department of Human Services, or a city or county jail.

(b)(1) Sexual assault in the fourth degree under ~~subdivisions (a)(1)(A) and~~ subdivision (a)(2) of this section is a Class D felony.

(2) Sexual assault in the fourth degree under subdivision (a)(1)~~(B)~~ of this section is a Class A misdemeanor if the person engages only in sexual contact with another person as described in subdivision (a)(1)~~(B)~~ of this section.