

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

State of Arkansas
94th General Assembly
Regular Session, 2023

As Engrossed: H3/6/23
A Bill

HOUSE BILL 1459

By: Representatives C. Fite, Gazaway, Lundstrum, J. Mayberry

By: Senators K. Hammer, *Gilmore*

For An Act To Be Entitled

AN ACT TO AMEND THE LAW CONCERNING HUMAN TRAFFICKING AND RELATED OFFENSES; TO AMEND THE LAW CONCERNING FINES FOR HUMAN TRAFFICKING; TO AMEND THE LAW CONCERNING THE HUMAN TRAFFICKING VICTIM SUPPORT FUND; TO AMEND THE LAW CONCERNING THE SAFE HARBOR FUND FOR SEXUALLY EXPLOITED CHILDREN; AND FOR OTHER PURPOSES.

Subtitle

TO AMEND THE LAW CONCERNING HUMAN TRAFFICKING AND RELATED OFFENSES; AND TO AMEND THE LAW CONCERNING FINES FOR HUMAN TRAFFICKING.

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

SECTION 1. Arkansas Code § 5-18-103(a)(1)-(5), concerning trafficking of persons, are amended to read as follows:

- (1) Recruits, harbors, transports, obtains, entices, solicits, isolates, provides, or maintains a person ~~knowing~~ when he or she knows or should know that the person will be subjected to involuntary servitude;
- (2) Benefits financially or benefits by receiving anything of value from participation in a venture that he or she knows or should know is engaged in conduct prohibited under subdivision (a)(1) of this section;
- (3) Subjects a person to involuntary servitude;
- (4) Recruits, entices, solicits, isolates, harbors, transports, provides, maintains, or obtains a minor for commercial sexual activity;



(5) Sells or offers to sell travel services that he or she knows or should know include an activity prohibited under subdivisions (a)(1)-(4) of this section;

SECTION 2. Arkansas Code § 5-18-103(d), concerning trafficking of persons, is amended to read as follows:

(d)(1) In addition to any other sentence authorized by this section, a person who violates this section by offering to pay, agreeing to pay, or paying a fee to engage in sexual activity upon conviction shall be ordered to pay a fine of ~~two hundred fifty dollars (\$250) to~~ not less than five thousand dollars (\$5,000) nor more than fifteen thousand dollars (\$15,000).

(2) Fine payments received under subdivision (d)(1) of this section shall be deposited as follows:

(A) Fifty percent (50%) into the Safe Harbor Fund for Sexually Exploited Children; and

(B) Fifty percent (50%) into the Human Trafficking Victim Support Fund.

SECTION 3. Arkansas Code § 5-18-104(a), concerning patronizing a victim of human trafficking, is amended to read as follows:

(a) A person commits the offense of patronizing a victim of human trafficking if he or she knowingly engages in commercial sexual activity with another person ~~knowing that the other person~~ who he or she knows or should know is a victim of human trafficking.

SECTION 4. Arkansas Code § 5-18-104, concerning patronizing a victim of human trafficking, is amended to add an additional subsection to read as follows:

(c)(1) In addition to any other sentence authorized by this section, a person who violates this section by offering to pay, agreeing to pay, or paying a fee to engage in sexual activity upon conviction shall be ordered to pay a fine of not less than five thousand dollars (\$5,000) nor more than fifteen thousand dollars (\$15,000).

(2) Fine payments received under subdivision (c)(1) of this section shall be deposited as follows:

(A) Fifty percent (50%) into the Safe Harbor Fund for

Sexually Exploited Children; and

(B) Fifty percent (50%) into the Human Trafficking Victim Support Fund.

SECTION 5. Arkansas Code § 5-18-106, concerning grooming a minor for future sex trafficking, is amended to add an additional subsection to read as follows:

(c)(1) In addition to any other sentence authorized by this section, a person who violates this section by offering to pay, agreeing to pay, or paying a fee to engage in sexual activity upon conviction shall be ordered to pay a fine of not less than five thousand dollars (\$5,000) nor more than fifteen thousand dollars (\$15,000).

(2) Fine payments received under subdivision (c)(1) of this section shall be deposited as follows:

(A) Fifty percent (50%) into the Safe Harbor Fund for Sexually Exploited Children; and

(B) Fifty percent (50%) into the Human Trafficking Victim Support Fund.

SECTION 6. Arkansas Code § 5-18-107, concerning traveling for the purpose of an unlawful sex act with a minor, is amended to add an additional subsection to read as follows:

(f)(1) In addition to any other sentence authorized by this section, a person who violates this section by offering to pay, agreeing to pay, or paying a fee to engage in sexual activity upon conviction shall be ordered to pay a fine of not less than five thousand dollars (\$5,000) nor more than fifteen thousand dollars (\$15,000).

(2) Fine payments received under subdivision (f)(1) of this section shall be deposited as follows:

(A) Fifty percent (50%) into the Safe Harbor Fund for Sexually Exploited Children; and

(B) Fifty percent (50%) into the Human Trafficking Victim Support Fund.

SECTION 7. Arkansas Code § 5-70-102(e), concerning prostitution, is amended to read as follows:

(e)(1) In addition to any other sentence authorized by this section, a person who violates this section by offering to pay, agreeing to pay, or paying a fee to engage in sexual activity upon conviction shall be ordered to pay a fine of two hundred fifty dollars (\$250) to:

(A) One thousand dollars (\$1,000) if convicted of a Class B misdemeanor; or

(B) Two thousand five hundred dollars (\$2,500) if convicted of a Class A misdemeanor.

(2) Fine payments received under subdivision (e)(1) of this section shall be deposited as follows:

(A) Fifty percent (50%) into the Safe Harbor Fund for Sexually Exploited Children; and

(B) Fifty percent (50%) into the Human Trafficking Victim Support Fund.

SECTION 8. Arkansas Code § 5-70-103(d), concerning the solicitation of sex, is amended to read as follows:

(d)(1) In addition to any other sentence authorized by this section, a person who violates this section by offering to pay, agreeing to pay, or paying a fee to engage in sexual activity upon conviction shall be ordered to pay a fine of ~~two hundred fifty dollars (\$250)~~ two thousand five hundred dollars (\$2,500).

(2) Fine payments received under subdivision (d)(1) of this section shall be deposited as follows:

(A) Fifty percent (50%) into the Safe Harbor Fund for Sexually Exploited Children; and

(B) Fifty percent (50%) into the Human Trafficking Victim Support Fund.

SECTION 9. Arkansas Code § 5-70-104, concerning promoting prostitution in the first degree, is amended to add an additional subsection to read as follows:

(c)(1) In addition to any other sentence authorized by this section, a person who violates this section by offering to pay, agreeing to pay, or paying a fee to engage in sexual activity upon conviction shall be ordered to pay a fine of two thousand five hundred dollars (\$2,500).

(2) Fine payments received under subdivision (c)(1) of this section shall be deposited as follows:

(A) Fifty percent (50%) into the Safe Harbor Fund for Sexually Exploited Children; and

(B) Fifty percent (50%) into the Human Trafficking Victim Support Fund.

SECTION 10. Arkansas Code § 5-70-105, concerning promoting prostitution in the second degree, is amended to add an additional subsection to read as follows:

(c)(1) In addition to any other sentence authorized by this section, a person who violates this section by offering to pay, agreeing to pay, or paying a fee to engage in sexual activity upon conviction shall be ordered to pay a fine of two thousand five hundred dollars (\$2,500).

(2) Fine payments received under subdivision (c)(1) of this section shall be deposited as follows:

(A) Fifty percent (50%) into the Safe Harbor Fund for Sexually Exploited Children; and

(B) Fifty percent (50%) into the Human Trafficking Victim Support Fund.

SECTION 11. Arkansas Code § 5-70-106, concerning promoting prostitution in the third degree, is amended to add an additional subsection to read as follows:

(c)(1) In addition to any other sentence authorized by this section, a person who violates this section by offering to pay, agreeing to pay, or paying a fee to engage in sexual activity upon conviction shall be ordered to pay a fine of one thousand dollars (\$1,000).

(2) Fine payments received under subdivision (c)(1) of this section shall be deposited as follows:

(A) Fifty percent (50%) into the Safe Harbor Fund for Sexually Exploited Children; and

(B) Fifty percent (50%) into the Human Trafficking Victim Support Fund.

SECTION 12. Arkansas Code § 19-5-1252(b), concerning the Safe Harbor

Fund for Sexually Exploited Children, is amended to read as follows:

(b) The fund shall consist of fines collected under §§ 5-18-103(d), 5-18-104(c), 5-18-106(c), 5-18-107(f), ~~5-70-102(d)~~ 5-70-102(e), 5-70-103(d), 5-70-104(c), 5-70-105(c), and 5-70-106(c) and any other revenues authorized by law.

SECTION 13. Arkansas Code § 19-5-1261(b), concerning the Human Trafficking Victim Support Fund, is amended to read as follows:

(b) The fund shall consist of fees collected under § 5-5-501(d), fines collected under §§ 5-18-103(d), 5-18-104(c), 5-18-106(c), 5-18-107(f), 5-70-102(e), 5-70-103(d), 5-70-104(c), 5-70-105(c), and 5-70-106(c), and any other revenues authorized by law.

SECTION 14. Arkansas Code § 19-5-1261(c), concerning the Human Trafficking Victim Support Fund, is amended to read as follows:

(c)(1) The fund shall be administered by the Attorney General.

(2) The Attorney General shall use the fund to provide:

(A) Grants to nonprofit, religious, and other third-party organizations that provide services and treatment, such as securing residential housing, health services, and social services for victims of human trafficking; ~~and~~

(B) Training and education related to human trafficking to law enforcement; and

(C) For the management and operation of the fund.

/s/C. Fite