

State of Arkansas
94th General Assembly
Regular Session, 2023

A Bill

HOUSE BILL 1647

By: Representatives Rose, C. Fite

By: Senator J. Petty

For An Act To Be Entitled

AN ACT TO CREATE THE OFFENSE OF OFFENSIVE RELATIONS WITH A CHILD; TO DECLARE AN EMERGENCY; AND FOR OTHER PURPOSES.

Subtitle

TO CREATE THE OFFENSE OF OFFENSIVE RELATIONS WITH A CHILD; AND TO DECLARE AN EMERGENCY.

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

SECTION 1. Arkansas Code Title 5, Chapter 27, Subchapter 2, is amended to add an additional section to read as follows:

5-27-208. Offensive relations with a child.

(a) A person commits offensive relations with a child if:

(1) Being twenty-one (21) years of age or older, he or she knowingly places his or her open mouth on the mouth of another person;

(2) The other person is a child thirteen (13) years of age or younger; and

(3) The person has the purpose to entice or induce the other person to engage in the following with the person:

(A) Sexual intercourse;

(B) Deviate sexual activity; or

(C) Sexual contact, as defined in § 5-14-101.

(b) Offensive relations with a child is a Class A misdemeanor.

(c) It is not a defense to prosecution under this section that the



actor does not know the age of the child or believes the child is fourteen (14) years of age or older.

SECTION 2. EMERGENCY CLAUSE. It is found and determined by the General Assembly of the State of Arkansas that children thirteen (13) years of age or younger are vulnerable and in need of protection from sexual predators; and that this act is immediately necessary to protect children thirteen (13) years of age or younger and to address a grave risk to public safety. Therefore, an emergency is declared to exist, and this act being immediately necessary for the preservation of the public peace, health, and safety shall become effective on:

(1) The date of its approval by the Governor;

(2) If the bill is neither approved nor vetoed by the Governor, the expiration of the period of time during which the Governor may veto the bill; or

(3) If the bill is vetoed by the Governor and the veto is overridden, the date the last house overrides the veto.