

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

State of Arkansas
94th General Assembly
Regular Session, 2023

A Bill

SENATE BILL 385

By: Senator C. Penzo
By: Representative Unger

For An Act To Be Entitled

AN ACT TO AMEND THE LAW CONCERNING ISSUES RELATED TO CHILD SEX TRAFFICKING AND CHILD EXPLOITATION; TO EXCEPT CERTAIN PERSONS ENGAGED IN BONA FIDE INVESTIGATIONS INTO A CRIMINAL OFFENSE FROM THE LAW CONCERNING THE DISTRIBUTION, POSSESSION, OR VIEWING OF MATTER DEPICTING SEXUALLY EXPLICIT CONDUCT INVOLVING A CHILD; TO CREATE MULTIDISCIPLINARY TEAMS TO PROVIDE RESPONSES SPECIFIC TO CHILD SEX TRAFFICKING AND CHILD EXPLOITATION CASES; AND FOR OTHER PURPOSES.

Subtitle

TO AMEND THE LAW CONCERNING ISSUES RELATED TO CHILD SEX TRAFFICKING AND CHILD EXPLOITATION.

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

SECTION 1. Arkansas Code § 5-27-602, concerning the offense of distributing, possessing, or viewing matter depicting sexually explicit conduct involving a child, is amended to add an additional subsection to read as follows:

(d) This section does not apply to matter depicting sexually explicit conduct with a child that is possessed by the following individuals in the course of conducting their professional duties for a bona fide medical, scientific, governmental, law enforcement, or judicial purpose:



- (1) A physician;
- (2) A psychologist;
- (3) A scientist;
- (4) An attorney;
- (5) An employee of the Department of Human Services;
- (6) An employee of a law enforcement agency;
- (7) A judge;
- (8) A judicial clerk; or
- (9) A member of a multidisciplinary team created under § 12-19-

106.

SECTION 2. Arkansas Code Title 12, Chapter 19, Subchapter 1, is amended to add an additional section to read as follows:

12-19-106. Child sex trafficking and child exploitation – Multidisciplinary teams – Creation.

(a) The Prosecutor Coordinator shall work with the following to develop recommendations on the creation of multidisciplinary teams to provide responses specific to child sex trafficking and child exploitation cases:

- (1) The Identification Bureau of the Division of Arkansas State Police;
- (2) The Arkansas Sheriffs’ Association;
- (3) The Arkansas Association of Chiefs of Police;
- (4) The Children’s Advocacy Centers of Arkansas; and
- (5) The National Child Protection Task Force, Inc.

(b)(1) The Prosecutor Coordinator shall create the multidisciplinary teams recommended under subsection (a) of this section.

(2) The multidisciplinary teams created under this section shall:

(A) Enhance the services provided to victims of child sex trafficking and child exploitation;

(B) Improve the coordination of investigations and the tracking of child sex trafficking and child exploitation cases; and

(C) Identify gaps in:

(i) Services provided to victims of child sex trafficking and child exploitation; and

(ii) The prevention of child sex trafficking and

child exploitation.

(c) The entities involved in the creation of multidisciplinary teams under this section may consult with other public and private groups, organizations, and agencies that have knowledge of the child sex trafficking and child exploitation victim populations and are willing to assist in accomplishing the goals identified in this section.

SECTION 3. TEMPORARY LANGUAGE. DO NOT CODIFY. Multidisciplinary team recommendations – Reporting requirements.

The Prosecutor Coordinator shall report the recommendations developed for multidisciplinary teams to provide responses specific to child sex trafficking and child exploitation cases under § 12-19-106 to the Chair of the House Committee on Judiciary and the Chair of the Senate Committee on Judiciary by December 31, 2023.