

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

State of Arkansas
95th General Assembly
Regular Session, 2025

A Bill

SENATE BILL 429

By: Senator J. Bryant
By: Representative Joey Carr

For An Act To Be Entitled

AN ACT AMENDING CERTAIN LAWS FOR THE PROTECTION OF HUMAN TRAFFICKING VICTIMS; TO PROVIDE THAT HUMAN TRAFFICKING VICTIMS HAVE CERTAIN RIGHTS; TO AMEND THE COMPREHENSIVE CRIMINAL RECORD SEALING ACT OF 2013 TO EXPAND THE SEALING OF CRIMINAL RECORDS OF VICTIMS OF HUMAN TRAFFICKING; TO PROVIDE THAT A NO-CONTACT ORDER IS MANDATORY FOR HUMAN TRAFFICKING OFFENSE; AND FOR OTHER PURPOSES.

Subtitle

TO EXPAND THE SEALING OF CRIMINAL RECORDS FOR VICTIMS OF HUMAN TRAFFICKING; TO PROVIDE THAT VICTIMS OF HUMAN TRAFFICKING HAVE CERTAIN RIGHTS; AND TO PROVIDE A MANDATORY NO-CONTACT ORDER IN A HUMAN TRAFFICKING CASE.

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

SECTION 1. Arkansas Code § 16-85-714(b)(1), concerning when a no contact order is issued in a criminal case, is amended to read as follows:

(b)(1)(A) A court may issue a no contact order under this section in addition to any other condition of release from custody that is imposed by the court if:

~~(A)~~(i) The defendant is charged with one (1) or more of the following offenses:

~~(i)~~(a) Terroristic threatening, § 5-13-301; or



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~~(ii) Trafficking of persons, § 5-18-103; or~~
~~(iii)(b) False imprisonment in the first~~
 degree, § 5-11-103; or

~~(B)(ii)~~ It appears that there exists a danger that a defendant will:

~~(i)(a)~~ Commit a serious crime;
~~(ii)(b)~~ Seek to intimidate a witness; or
~~(iii)(c)~~ Otherwise unlawfully interfere with the orderly administration of justice.

(B) The court shall issue a no contact order under this section in addition to any other condition of release from custody that is imposed by the court if the defendant is charged with an offense under the Human Trafficking Act of 2013, § 5-18-101 et seq.

SECTION 2. Arkansas Code § 16-90-1101 is amended to read as follows:
 16-90-1101. Definitions.

As used in this subchapter:

(1) "Crime" means an act or omission committed by a person, whether or not competent or an adult, which is punishable by incarceration if committed by a competent adult;

(2) "Human trafficking offense" means an offense under the Human Trafficking Act of 2013, § 5-18-101 et seq.;

~~(2)(3)~~ "Member of the victim's family" means the spouse, a child by birth or adoption, a stepchild, a parent, a stepparent, a sibling, or an individual designated by the victim or by a court in which the crime is being or could be prosecuted, but does not include an individual who is accountable for the crime or a crime arising from the same conduct, criminal episode, or plan;

~~(3)(4)~~ "Offense against a victim who is a minor" means:

(A) Kidnapping pursuant to § 5-11-102(a)(4) when the victim is a minor and the offender is not the parent of the victim;

(B) False imprisonment in the first degree pursuant to § 5-11-103 when the victim is a minor and the offender is not the parent of the victim;

(C) Permanent detention or restraint pursuant to § 5-11-106 when the victim is a minor and the offender is not the parent of the

victim;

(D) Any sex offense when the victim is a minor;

(E) Any human trafficking offense when the victim is a minor;

~~(E)~~(F) An attempt, solicitation, or conspiracy to commit any of the offenses enumerated in this subdivision ~~(3)~~(4);

~~(F)~~(G) An adjudication of guilt for an offense of the law of another state, for a federal offense, or for a military offense, which is substantially equivalent to any of the offenses enumerated in this subdivision ~~(3)~~(4); or

~~(G)~~(H) A violation of any former law of this state that is substantially equivalent to any of the offenses enumerated in this subdivision ~~(3)~~(4);

~~(4)~~(5) "Person" means an individual, corporation, estate, trust, partnership, association, joint venture, governmental entity, agency, or instrumentality, or any other legal entity;

~~(5)~~(6) "Representative of the victim" means a member of the victim's family or an individual designated by the victim or by a court in which the crime is being or could be prosecuted;

~~(6)~~(7) "Sex offense" means:

(A) Rape, § 5-14-103;

(B) Sexual indecency with a child, § 5-14-110, if the offense is a felony;

(C) Sexual assault in the first degree, § 5-14-124;

(D) Sexual assault in the second degree, § 5-14-125;

(E) Sexual assault in the third degree, § 5-14-126;

(F) Sexual assault in the fourth degree, § 5-14-127;

(G) Incest, § 5-26-202;

(H) Engaging children in sexually explicit conduct for use in visual or print medium, § 5-27-303;

(I) Transportation of minors for prohibited sexual conduct, § 5-27-305;

(J) Employing or consenting to use of a child in sexual performance, § 5-27-402;

(K) Producing, directing, or promoting a sexual performance by a child, § 5-27-403;

(L) Possession or use of child sexual abuse material, § 5-27-603;

(M) Computer exploitation of a child in the first degree, § 5-27-605(a);

(N) Promoting prostitution in the first degree, § 5-70-104;

(O) Stalking, § 5-71-229;

(P) An attempt, solicitation, or conspiracy to commit any of the offenses enumerated in this subdivision ~~(6)(7)~~;

(Q) An adjudication of guilt for an offense of the law of another state, for a federal offense, or for a military offense, which is substantially equivalent to any of the offenses enumerated in this subdivision ~~(6)(7)~~;

(R) A violation of any former law of this state that is substantially equivalent to any of the offenses enumerated in this subdivision ~~(6)(7)~~; or

(S) Sexual extortion, § 5-14-113;

~~(7)(8)~~ "State" means a state of the United States, the District of Columbia, the Commonwealth of Puerto Rico, or any territory or insular possession subject to the jurisdiction of the United States;

~~(8)(9)(A)~~ "Victim" means a victim of a:

(i) A sex offense;

(ii) ~~or an~~ An offense against a victim who is a minor;

(iii) ~~and a victim of any~~ A violent crime, ~~but;~~ or

(iv) A human trafficking offense.

(B) "Victim" does not include a:

(i) ~~person~~ Person who is accountable for the crime or a crime arising from the same conduct, criminal episode, or plan; ~~or and does not include a governmental~~

(ii) Governmental entity; and

~~(9)(10)~~ "Violent crime" means any felony or Class A misdemeanor which resulted in physical injury to the victim, any felony or Class A misdemeanor involving the use of a deadly weapon, terroristic threatening in the first degree, § 5-13-301(a), and stalking, as defined in § 5-71-229.

SECTION 3. Arkansas Code § 16-90-1412 is amended to read as follows:
 16-90-1412. Sealing certain convictions for victims of human trafficking – Definition.

(a) As used in this section:

(1) "Minor" means a person younger than eighteen (18) years of age; and

(2) "victim Victim of human trafficking" means a person who has been subjected to trafficking of persons, § 5-18-103, or any former law of this state, law of another state, or federal law that is substantially similar.

(b)(1) A person ~~convicted of prostitution, § 5-70-102,~~ may file a uniform petition to seal ~~the~~ a conviction under this section if ~~it~~:

(A) The conviction was obtained as a result of the person's having been a victim of human trafficking at the time of the offense; and

(B) The person was:

(i) A minor when the offense was committed; or

(ii) Eighteen (18) years of age or older when the offense was committed and the conviction was for the offense of prostitution, § 5-70-102.

(2) A uniform petition under this section may be filed at any time and may be filed for a conviction imposed at any time.

(c) The court shall grant the uniform petition under this section if it finds by a preponderance of the evidence that:

(1) The petitioner was: ~~convicted~~

(A) Convicted of prostitution, § 5-70-102, and the offense was committed when the petitioner was eighteen (18) years of age or older; and or

(B) A minor when the offense was committed; and

(2)(A) The conviction was obtained as a result of the petitioner's having been a victim of human trafficking at the time of the offense.

(B) A finding concerning the affirmative defense under § 5-2-210 does not affect a finding under subdivision (c)(2)(A) of this section, and the petitioner is not required to have raised the affirmative defense under § 5-2-210.

(d) If the uniform petition under this section is granted, the court shall:

(1) Issue a uniform order to seal the conviction; and
 (2) With respect to the conviction ~~for prostitution, § 5-70-102,~~ redact the petitioner's name from all records and files related to the petitioner's:

- (A) Arrest;
- (B) Citation;
- (C) Criminal investigation;
- (D) Criminal charge;
- (E) Adjudication of guilt;
- (F) Criminal proceedings; and
- (G) Probation for the offense.

(e)(1) Official documentation by a federal, state, or local government agency verifying that at the time of the ~~conviction for prostitution, § 5-70-102~~ offense, the petitioner was a victim of human trafficking creates a presumption under this section that the person's ~~prostitution~~ conviction was obtained as a result of having been a victim of human trafficking at the time of the offense.

(2) Documentation under this subsection is not required to grant a petition under this section.

(3) Documentation under this subsection may include without limitation:

(A) Certified records of federal or state court proceedings that demonstrate that the defendant was a victim of a trafficker charged with a trafficking offense under state law or the Victims of Trafficking and Violence Protection Act of 2000, 22 U.S.C. § 7101 et seq., as it existed on January 1, 2013; or

(B) Certified records of "approval notices" or "law enforcement certifications" generated from federal immigration proceedings available to victims of human trafficking.