

1 State of Arkansas
2 93rd General Assembly
3 Regular Session, 2021
4

A Bill

HOUSE BILL 1124

5 By: Representative M. Berry
6 By: Senator T. Garner
7

For An Act To Be Entitled

9 AN ACT TO AMEND THE PUNITIVE ARTICLES OF THE MILITARY
10 CODE OF ARKANSAS CONCERNING SEXUAL ASSAULT AND SEXUAL
11 CONTACT; AND FOR OTHER PURPOSES.
12
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Subtitle

15 TO AMEND THE PUNITIVE ARTICLES OF THE
16 MILITARY CODE OF ARKANSAS CONCERNING
17 SEXUAL ASSAULT AND SEXUAL CONTACT.
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19

20 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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22 SECTION 1. Arkansas Code § 5-53-134(f)(1), concerning the violation of
23 an order or protection, is amended to read as follows:

24 (f) As used in this section:

25 (1) "Military order of protection" means an official command
26 directed at a service member for the purpose of preventing violent and
27 threatening acts against a person who:

28 (A) Is the current or former spouse of the service member;

29 (B) Is or was a child, step-child, parent, step-parent,
30 sibling, guardian, or ward of the service member;

31 (C) Is residing or cohabitating or in the past has resided
32 or cohabitated with the service member;

33 (D) Has or had a child in common with the service member;

34 (E) Is or has been in a dating relationship with the
35 service member as defined by § 9-15-103;

36 (F) Has had an intimate sexual relationship with the



1 service member; or

2 (G) Has made allegations against the service member of
 3 violations of the punitive article of sexual ~~misconduct~~ assault as defined by
 4 § ~~12-64-845~~ 12-64-852; and

5
 6 SECTION 2. Arkansas Code § 12-60-102, concerning the definitions used
 7 in the Military Code of Arkansas, is amended to add an additional
 8 subdivision:

9 (21) “Sexual contact” means the act of touching, or causing
 10 another person to touch, either directly or through clothing, by the use of
 11 any part of a person’s body or an object:

12 (A) The vulva, penis, scrotum, anus, groin, breast, inner
 13 thigh, or buttocks of any person; and

14 (B) With a purpose to abuse, humiliate, harass, or degrade
 15 any person or to arouse or gratify the sexual desire of any person.

16
 17 SECTION 3. Arkansas Code § 12-64-845 is repealed.

18 ~~12-64-845. Sexual misconduct.~~

19 ~~A person subject to this code who engages in sexual contact with~~
 20 ~~unlawful force, abuse of authority, or violence is guilty of sexual~~
 21 ~~misconduct and shall be punished as a court-martial may direct.~~

22
 23 SECTION 4. Arkansas Code Title 12, Chapter 64, Subchapter 8, is
 24 amended to add an additional section to read as follows:

25 12-64-852. Sexual assault.

26 A person subject to this code is guilty of sexual assault and shall be
 27 punished as a court-martial directs if the person engages in sexual contact
 28 with another person:

29 (1) By forcible compulsion;

30 (2) Who is incapable of consent because he or she is:

31 (A) Physically helpless;

32 (B) Mentally defective; or

33 (C) Mentally incapacitated; or

34 (3) By abuse of authority.

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