

1 State of Arkansas
2 94th General Assembly
3 Regular Session, 2023
4

A Bill

HOUSE BILL 1124

5 By: Representative Vaught
6 By: Senator K. Hammer
7

For An Act To Be Entitled

9 AN ACT TO AMEND THE OFFENSE OF SEXUAL ASSAULT IN THE
10 SECOND DEGREE; TO PROVIDE THAT SEXUAL INTERCOURSE OR
11 DEVIATE SEXUAL ACTIVITY WITH CERTAIN MINORS
12 CONSTITUTES SEXUAL ASSAULT IN THE SECOND DEGREE; TO
13 AMEND THE OFFENSE OF SEXUAL ASSAULT IN THE FOURTH
14 DEGREE; AND FOR OTHER PURPOSES.

Subtitle

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18 TO PROVIDE THAT SEXUAL INTERCOURSE OR
19 DEVIATE SEXUAL ACTIVITY WITH CERTAIN
20 MINORS CONSTITUTES SEXUAL ASSAULT IN THE
21 SECOND DEGREE.
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24 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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26 SECTION 1. Arkansas Code § 5-14-125(a), concerning conduct by a person
27 that constitutes sexual assault in the second degree, is amended to add an
28 additional subdivision to read as follows:

29 (7)(A) Being twenty (20) years of age or older, engages in
30 sexual intercourse or deviate sexual activity with a person who is:

31 (i) Less than seventeen (17) years of age; and

32 (ii) Not the actor's spouse.

33 (B) It is not a defense to a prosecution under this
34 subdivision (a)(7) that the victim consented to the conduct.
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36 SECTION 2. Arkansas Code § 5-14-127 is amended to read as follows:



1 5-14-127. Sexual assault in the fourth degree.

2 (a) A person commits sexual assault in the fourth degree if the
3 person:

4 (1) Being twenty (20) years of age or older⁺,

5 ~~(A) Engages in sexual intercourse or deviate sexual~~
6 ~~activity with another person who is:~~

7 ~~(i) Less than sixteen (16) years of age; and~~

8 ~~(ii) Not the person's spouse; or~~

9 ~~(B) Engages engages in sexual contact with another person~~
10 who is:

11 ~~(i)(A) Less than sixteen (16) years of age; and~~

12 ~~(ii)(B) Not the person's spouse; or~~

13 (2) Engages in sexual contact with another person who is not the
14 actor's spouse, and the actor is employed with the Division of Correction,
15 Division of Community Correction, Department of Human Services, or any city
16 or county jail, and the victim is in the custody of the Division of
17 Correction, Division of Community Correction, Department of Human Services,
18 or a city or county jail.

19 (b)(1) Sexual assault in the fourth degree under ~~subdivisions~~
20 ~~(a)(1)(A) and~~ subdivision (a)(2) of this section is a Class D felony.

21 (2) Sexual assault in the fourth degree under subdivision
22 (a)(1)~~(B)~~ of this section is a Class A misdemeanor if the person engages only
23 in sexual contact with another person as described in subdivision (a)(1)~~(B)~~
24 of this section.