

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

A Bill

HOUSE BILL 1459

5 By: Representatives C. Fite, Gazaway, Lundstrum, J. Mayberry
6 By: Senator K. Hammer
7

For An Act To Be Entitled

9 AN ACT TO AMEND THE LAW CONCERNING HUMAN TRAFFICKING
10 AND RELATED OFFENSES; TO AMEND THE LAW CONCERNING
11 FINES FOR HUMAN TRAFFICKING; TO AMEND THE LAW
12 CONCERNING THE HUMAN TRAFFICKING VICTIM SUPPORT FUND;
13 TO AMEND THE LAW CONCERNING THE SAFE HARBOR FUND FOR
14 SEXUALLY EXPLOITED CHILDREN; AND FOR OTHER PURPOSES.
15

Subtitle

16
17
18 TO AMEND THE LAW CONCERNING HUMAN
19 TRAFFICKING AND RELATED OFFENSES; AND TO
20 AMEND THE LAW CONCERNING FINES FOR HUMAN
21 TRAFFICKING.
22
23

24 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
25

26 SECTION 1. Arkansas Code § 5-18-103(a)(1)-(5), concerning trafficking
27 of persons, are amended to read as follows:

28 (1) Recruits, harbors, transports, obtains, entices, solicits,
29 isolates, provides, or maintains a person ~~knowing~~ when he or she knows or
30 should know that the person will be subjected to involuntary servitude;

31 (2) Benefits financially or benefits by receiving anything of
32 value from participation in a venture that he or she knows or should know is
33 engaged in conduct prohibited under subdivision (a)(1) of this section;

34 (3) Subjects a person to involuntary servitude;

35 (4) Recruits, entices, solicits, isolates, harbors, transports,
36 provides, maintains, or obtains a minor for commercial sexual activity;



1 (5) Sells or offers to sell travel services that he or she knows
 2 or should know include an activity prohibited under subdivisions (a)(1)-(4)
 3 of this section;

4
 5 SECTION 2. Arkansas Code § 5-18-103(d), concerning trafficking of
 6 persons, is amended to read as follows:

7 (d)(1) In addition to any other sentence authorized by this section, a
 8 person who violates this section by offering to pay, agreeing to pay, or
 9 paying a fee to engage in sexual activity upon conviction shall be ordered to
 10 pay a fine of ~~two hundred fifty dollars (\$250)~~ to one thousand dollars
 11 (\$1,000).

12 (2) Fine payments received under subdivision (d)(1) of this
 13 section shall be deposited as follows:

14 (A) Fifty percent (50%) into the Safe Harbor Fund for
 15 Sexually Exploited Children; and

16 (B) Fifty percent (50%) into the Human Trafficking Victim
 17 Support Fund.

18
 19 SECTION 3. Arkansas Code § 5-18-104(a), concerning patronizing a
 20 victim of human trafficking, is amended to read as follows:

21 (a) A person commits the offense of patronizing a victim of human
 22 trafficking if he or she knowingly engages in commercial sexual activity with
 23 another person ~~knowing that the other person~~ who he or she knows or should
 24 know is a victim of human trafficking.

25
 26 SECTION 4. Arkansas Code § 5-18-104, concerning patronizing a victim
 27 of human trafficking, is amended to add an additional subsection to read as
 28 follows:

29 (c)(1) In addition to any other sentence authorized by this section, a
 30 person who violates this section by offering to pay, agreeing to pay, or
 31 paying a fee to engage in sexual activity upon conviction shall be ordered to
 32 pay a fine of one thousand dollars (\$1,000).

33 (2) Fine payments received under subdivision (c)(1) of this
 34 section shall be deposited as follows:

35 (A) Fifty percent (50%) into the Safe Harbor Fund for
 36 Sexually Exploited Children; and

1 (B) Fifty percent (50%) into the Human Trafficking Victim
 2 Support Fund.

3
 4 SECTION 5. Arkansas Code § 5-18-106, concerning grooming a minor for
 5 future sex trafficking, is amended to add an additional subsection to read as
 6 follows:

7 (c)(1) In addition to any other sentence authorized by this section, a
 8 person who violates this section by offering to pay, agreeing to pay, or
 9 paying a fee to engage in sexual activity upon conviction shall be ordered to
 10 pay a fine of one thousand dollars (\$1,000).

11 (2) Fine payments received under subdivision (c)(1) of this
 12 section shall be deposited as follows:

13 (A) Fifty percent (50%) into the Safe Harbor Fund for
 14 Sexually Exploited Children; and

15 (B) Fifty percent (50%) into the Human Trafficking Victim
 16 Support Fund.

17
 18 SECTION 6. Arkansas Code § 5-18-107, concerning traveling for the
 19 purpose of an unlawful sex act with a minor, is amended to add an additional
 20 subsection to read as follows:

21 (f)(1) In addition to any other sentence authorized by this section, a
 22 person who violates this section by offering to pay, agreeing to pay, or
 23 paying a fee to engage in sexual activity upon conviction shall be ordered to
 24 pay a fine of one thousand dollars (\$1,000).

25 (2) Fine payments received under subdivision (f)(1) of this
 26 section shall be deposited as follows:

27 (A) Fifty percent (50%) into the Safe Harbor Fund for
 28 Sexually Exploited Children; and

29 (B) Fifty percent (50%) into the Human Trafficking Victim
 30 Support Fund.

31
 32 SECTION 7. Arkansas Code § 5-70-102(e), concerning prostitution, is
 33 amended to read as follows:

34 (e)(1) In addition to any other sentence authorized by this section, a
 35 person who violates this section by offering to pay, agreeing to pay, or
 36 paying a fee to engage in sexual activity upon conviction shall be ordered to

1 pay a fine of ~~two hundred fifty dollars (\$250)~~ to one thousand dollars
 2 (\$1,000).

3 (2) Fine payments received under subdivision (e)(1) of this
 4 section shall be deposited as follows:

5 (A) Fifty percent (50%) into the Safe Harbor Fund for
 6 Sexually Exploited Children; and

7 (B) Fifty percent (50%) into the Human Trafficking Victim
 8 Support Fund.

9
 10 SECTION 8. Arkansas Code § 5-70-103(d), concerning the solicitation of
 11 sex, is amended to read as follows:

12 (d)(1) In addition to any other sentence authorized by this section, a
 13 person who violates this section by offering to pay, agreeing to pay, or
 14 paying a fee to engage in sexual activity upon conviction shall be ordered to
 15 pay a fine of ~~two hundred fifty dollars (\$250)~~ one thousand dollars (\$1,000).

16 (2) Fine payments received under subdivision (d)(1) of this
 17 section shall ~~to~~ be deposited as follows:

18 (A) Fifty percent (50%) into the Safe Harbor Fund for
 19 Sexually Exploited Children; and

20 (B) Fifty percent (50%) into the Human Trafficking Victim
 21 Support Fund.

22
 23 SECTION 9. Arkansas Code § 5-70-104, concerning promoting prostitution
 24 in the first degree, is amended to add an additional subsection to read as
 25 follows:

26 (c)(1) In addition to any other sentence authorized by this section, a
 27 person who violates this section by offering to pay, agreeing to pay, or
 28 paying a fee to engage in sexual activity upon conviction shall be ordered to
 29 pay a fine of one thousand dollars (\$1,000).

30 (2) Fine payments received under subdivision (c)(1) of this
 31 section shall be deposited as follows:

32 (A) Fifty percent (50%) into the Safe Harbor Fund for
 33 Sexually Exploited Children; and

34 (B) Fifty percent (50%) into the Human Trafficking Victim
 35 Support Fund.

36

1 SECTION 10. Arkansas Code § 5-70-105, concerning promoting
2 prostitution in the second degree, is amended to add an additional subsection
3 to read as follows:

4 (c)(1) In addition to any other sentence authorized by this section, a
5 person who violates this section by offering to pay, agreeing to pay, or
6 paying a fee to engage in sexual activity upon conviction shall be ordered to
7 pay a fine of one thousand dollars (\$1,000).

8 (2) Fine payments received under subdivision (c)(1) of this
9 section shall be deposited as follows:

10 (A) Fifty percent (50%) into the Safe Harbor Fund for
11 Sexually Exploited Children; and

12 (B) Fifty percent (50%) into the Human Trafficking Victim
13 Support Fund.

14
15 SECTION 11. Arkansas Code § 5-70-106, concerning promoting
16 prostitution in the third degree, is amended to add an additional subsection
17 to read as follows:

18 (c)(1) In addition to any other sentence authorized by this section, a
19 person who violates this section by offering to pay, agreeing to pay, or
20 paying a fee to engage in sexual activity upon conviction shall be ordered to
21 pay a fine of one thousand dollars (\$1,000).

22 (2) Fine payments received under subdivision (c)(1) of this
23 section shall be deposited as follows:

24 (A) Fifty percent (50%) into the Safe Harbor Fund for
25 Sexually Exploited Children; and

26 (B) Fifty percent (50%) into the Human Trafficking Victim
27 Support Fund.

28
29 SECTION 12. Arkansas Code § 19-5-1252(b), concerning the Safe Harbor
30 Fund for Sexually Exploited Children, is amended to read as follows:

31 (b) The fund shall consist of fines collected under §§ 5-18-103(d), 5-
32 18-104(c), 5-18-106(c), 5-18-107(f), ~~5-70-102(d)~~ 5-70-102(e), 5-70-103(d), 5-
33 70-104(c), 5-70-105(c), and 5-70-106(c) and any other revenues authorized by
34 law.

35
36 SECTION 13. Arkansas Code § 19-5-1261(b), concerning the Human

1 Trafficking Victim Support Fund, is amended to read as follows:

2 (b) The fund shall consist of fees collected under § 5-5-501(d), fin
3 collected under §§ 5-18-103(d), 5-18-104(c), 5-18-106(c), 5-18-107(f), 5-70-
4 102(e), 5-70-103(d), 5-70-104(c), 5-70-105(c), and 5-70-106(c), and any other
5 revenues authorized by law.

6
7 SECTION 14. Arkansas Code § 19-5-1261(c), concerning the Human
8 Trafficking Victim Support Fund, is amended to read as follows:

9 (c)(1) The fund shall be administered by the Attorney General.

10 (2) The Attorney General shall use the fund to provide:

11 (A) Grants to nonprofit, religious, and other third-party
12 organizations that provide services and treatment, such as securing
13 residential housing, health services, and social services for victims of
14 human trafficking; ~~and~~

15 (B) Training and education related to human trafficking to
16 law enforcement; and

17 (C) For the management and operation of the fund.

18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36