

1 State of Arkansas  
2 92nd General Assembly  
3 Regular Session, 2019  
4

# A Bill

HOUSE BILL 1695

5 By: Representatives Scott, Petty  
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## For An Act To Be Entitled

8 AN ACT TO PROTECT CHILDREN WHO ARE BEING TRAFFICKED  
9 FROM BEING PROSECUTED FOR PROSTITUTION; AND FOR OTHER  
10 PURPOSES.  
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## Subtitle

12 TO PROTECT CHILDREN WHO ARE BEING  
13 TRAFFICKED FROM BEING PROSECUTED FOR  
14 PROSTITUTION.  
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19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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21 SECTION 1. Arkansas Code § 5-70-102 is amended to read as follows:  
22 5-70-102. Prostitution.

23 (a) A person commits prostitution if in return for or in expectation  
24 of a fee he or she engages in or agrees or offers to engage in sexual  
25 activity with any other person.

26 (b) Prostitution is a:

27 (1) Class B misdemeanor for the first offense; and

28 (2) Class A misdemeanor for a second or subsequent offense under  
29 this section.

30 (c) ~~It is an affirmative defense to prosecution~~ It is not an offense  
31 under this section that the person engaged in an act that otherwise meets the  
32 elements of the offense of prostitution ~~as a result of being~~ if the person  
33 committed the otherwise unlawful acts while he or she was a victim of  
34 trafficking of persons, § 5-18-103.

35 (d)(1) A minor may not be charged with or convicted of an offense  
36 under this section without the law enforcement agency investigating the



1 offense first verifying that the minor was not at the time of the otherwise  
 2 unlawful acts a victim of trafficking of persons, § 5-18-103.

3 (2)(A) In a prosecution of a minor under this section the state  
 4 shall affirmatively state to the court at the minor's first appearance to  
 5 answer the charges against him or her that an investigation of the offense  
 6 revealed that the minor was not a victim of trafficking of persons, § 5-18-  
 7 103, when the minor committed the otherwise unlawful act.

8 (B) Failure to make the affirmation required under  
 9 subdivision (d)(2)(A) of this section shall result in an immediate dismissal  
 10 of the charge with prejudice by the court.

11 ~~(d)~~(e) In addition to any other sentence authorized by this section, a  
 12 person who violates this section by offering to pay, agreeing to pay, or  
 13 paying a fee to engage in sexual activity upon conviction shall be ordered to  
 14 pay a fine of two hundred fifty dollars (\$250) to be deposited into the Safe  
 15 Harbor Fund for Sexually Exploited Children.

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