

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

A Bill

HOUSE BILL 1740

4
5 By: Representative Lundstrum
6 By: Senator Bledsoe

For An Act To Be Entitled

9 AN ACT TO COMBAT SEX TRAFFICKING OF MINORS; TO
10 PROTECT THE CHILDREN OF ARKANSAS FROM SEXUAL
11 PREDATORS AND PEDOPHILES; AND FOR OTHER PURPOSES.

Subtitle

15 TO COMBAT SEX TRAFFICKING OF MINORS; AND
16 TO PROTECT THE CHILDREN OF ARKANSAS FROM
17 SEXUAL PREDATORS AND PEDOPHILES.

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

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22 SECTION 1. DO NOT CODIFY. Legislative findings.

23 (a) The General Assembly finds that:

24 (1)(A) Sex trafficking of children is a business that is growing
25 and flourishing in the State of Arkansas.

26 (B)(i) In 2019, the Polaris Project worked on over eleven
27 thousand (11,000) cases of human trafficking reported to the National Human
28 Trafficking Hotline.

29 (ii) These cases involved over twenty-two thousand
30 (22,000) individual survivors, over four thousand (4,000) traffickers,
31 and almost two thousand (2,000) suspicious businesses.

32 (iii) Human trafficking is notoriously underreported
33 to law enforcement and as shocking as these numbers are, they are likely only
34 a fraction of the actual amount.

35 (C) The National Human Trafficking Hotline identified in
36 2019 one hundred eighty-four (184) victims of human trafficking as well as



1 sixty (60) known traffickers.

2 (D) Since the beginning of 2018, the organization Into the
 3 Light has served ninety-seven (97) victims and survivors of sex trafficking
 4 in Arkansas;

5 (2)(A) Persons engaging in the business of child sex
 6 trafficking, whether buying or selling a child, are engaging in deviate
 7 sexual activity.

8 (B) By amending the age of consent to eighteen (18) years
 9 of age in this act, law enforcement will be able to more readily ascertain if
 10 the law has been violated;

11 (3)(A) Children who have been groomed and forced into sexual
 12 slavery experience polyvictimization, which results in significant physical,
 13 emotional, and psychological trauma.

14 (B) Due to the devastating effects of polyvictimization of
 15 this trauma, victims need extensive services.

16 (C) Sex trafficking is costly to Arkansas's overburdened
 17 social service system;

18 (4)(A) Traffickers target Arkansas's most vulnerable
 19 populations. Those populations include children in foster care, children
 20 with a history of abuse and neglect, and children involved in the juvenile
 21 justice system.

22 (B) Arkansas's laws must protect Arkansas's most
 23 vulnerable children from further exploitation and victimization; and

24 (5)(A) With the increased pervasiveness of social media,
 25 Arkansas has become a known destination for child sex tourism.

26 (B) Arkansas's current laws create an open door to
 27 traffickers and predators from any location and send the message that
 28 children can be exploited without fear of legal consequences.

29 (C) Raising the age of consent will remove the disparities
 30 in service, care, and protection for older children.

31
 32 SECTION 2. Arkansas Code § 5-18-102, concerning the definitions used
 33 in regard to the Human Trafficking Act of 2013, is amended to add an
 34 additional subdivision to read as follows:

35 (16) "Grooms" means to expose a minor to sexually explicit
 36 language or to a visual or print medium depicting sexually explicit conduct

1 with the purpose to gain the trust of the minor; and

2 (17)(A) "Sexually explicit" means a depiction or description of
 3 a sex act that:

4 (i) Either:

5 (a) Appeals to the prurient interest; or

6 (b) Depicts or describes, in a patently
 7 offensive way, the sex act; and

8 (ii) Depicts or describes the sex act in a way that
 9 lacks literary, artistic, political, or scientific value.

10 (B) "Sexually explicit" includes without limitation a
 11 depiction or description of a sex act by a minor or that would create
 12 criminal liability under § 5-27-303 or § 5-27-304.

14 SECTION 3. Arkansas Code Title 5, Chapter 18, is amended to add
 15 additional sections to read as follows:

16 5-18-106. Grooming a minor for future sex trafficking.

17 (a) A person commits grooming a minor for future sex trafficking if
 18 the person knowingly grooms a minor with a purpose to make it more likely
 19 that the minor can be enticed or induced into a future sex act with a person.

20 (b) Grooming a minor for future sex trafficking is a Class B felony.

22 5-18-107. Traveling for the purpose of an unlawful sex act with a
 23 minor.

24 (a) A person commits traveling for the purpose of an unlawful sex act
 25 with a minor if the person is eighteen (18) years of age or older and
 26 knowingly travels to this state from another state or travels ninety (90) or
 27 more miles within this state for the purpose of engaging in an unlawful sex
 28 act with a minor or a person he or she believes is a minor.

29 (b) Traveling for the purpose of an unlawful sex act with a minor is a
 30 Class B felony.

31 (c) It is an affirmative defense to prosecution under this section
 32 that the actor was not more than two (2) years older than the victim.

33 (d) Consent is not a defense to prosecution under this section.