

1 State of Arkansas
2 88th General Assembly
3 Regular Session, 2011
4
5 By: Senator P. Malone

A Bill

SENATE BILL 327

For An Act To Be Entitled

8 AN ACT TO PROHIBIT EXPOSING A CHILD TO RECORDED OR
9 PRINTED PORTRAYALS OF SEX ACTS; AND FOR OTHER
10 PURPOSES.

Subtitle

14 AN ACT TO PROHIBIT EXPOSING A CHILD TO
15 RECORDED OR PRINTED PORTRAYALS OF SEX
16 ACTS.

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

21 SECTION 1. Arkansas Code § 5-14-110 is amended to read as follows:

22 5-14-110. Sexual indecency with a child.

23 (a) A person commits sexual indecency with a child if:

24 (1) Being eighteen (18) years of age or older, the person
25 solicits another person who is less than fifteen (15) years of age or who is
26 represented to be less than fifteen (15) years of age to engage in:

27 (A) Sexual intercourse;

28 (B) Deviate sexual activity; or

29 (C) Sexual contact;

30 (2)(A) With the purpose to arouse or gratify a sexual desire of
31 himself or herself or a sexual desire of any other person, the person
32 purposely exposes his or her sex organs to another person who is less than
33 fifteen (15) years of age.

34 (B) It is an affirmative defense to a prosecution under
35 subdivision (a)(2)(A) of this section if the person is within three (3) years
36 of age of the victim; ~~or~~



1 (3) With the purpose to arouse or gratify a sexual desire of
2 himself or herself or a sexual desire of any other person, the person
3 purposely exposes his or her sex organs to a minor, and the actor is:

4 (A) Employed with the Department of Correction, Department
5 of Community Correction, any city or county jail, or any juvenile detention
6 facility, and the minor is in custody at a facility operated by the agency or
7 contractor employing the actor;

8 (B) A mandated reporter under § 12-18-402(b) and is in a
9 position of trust or authority over the minor; or

10 (C) The minor’s guardian, an employee in the minor’s
11 school or school district, a temporary caretaker, or a person in a position
12 of trust and authority over the minor;

13 (4) With the purpose to arouse or gratify his or her sexual
14 desire or a sexual desire of another person, a person who is eighteen (18)
15 years of age or older causes or coerces a minor to expose his or her sex
16 organs to another person, and the actor is:

17 (A) Employed with the Department of Correction, the
18 Department of Community Correction, any city or county jail, or any juvenile
19 detention facility, and the minor is in custody at a facility operated by the
20 agency or contractor employing the actor;

21 (B) A mandated reporter under § 12-18-402(b) and is in a
22 position of trust or authority over the minor; ~~or~~

23 (C) The minor’s guardian, an employee in the minor’s
24 school or school district, a temporary caretaker, or a person in a position
25 of trust or authority over the minor; ~~or~~

26 (5) Being eighteen (18) years of age or older, the person causes
27 or coerces another person who is less than fourteen (14) years of age to
28 expose his or her sex organs or the breast of a female with the purpose to
29 arouse or gratify a sexual desire of himself, herself, or another person; or

30 (6) With the purpose to arouse or gratify a sexual desire of
31 himself or herself or a sexual desire of any other person, the person
32 purposely exposes a minor to a recorded or printed portrayal of nudity,
33 sexual intercourse, deviate sexual activity, sexual contact, sexual
34 excitement, or sadomasochistic abuse.

35 (b) Sexual indecency with a child is a Class D felony.

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