



# ARKANSAS HUMAN TRAFFICKING COUNCIL

## Laws relating to Human Trafficking Investigations

### Contents

<b>CHAPTER 18 HUMAN TRAFFICKING ACT OF 2013</b> .....	3
Section 5-18-102 - Definitions .....	3
Section 5-18-103 - Trafficking of persons .....	4
Section 5-18-104 - Patronizing a victim of human trafficking .....	6
Section 5-18-105 - Enhanced liability of an organization .....	6
Section 5-18-106 - Grooming a minor for future sex trafficking .....	6
Section 5-18-107 - Traveling for the purpose of an unlawful sex act with a minor .....	7
<b>SUBCHAPTER 3 ARKANSAS PROTECTION OF CHILDREN AGAINST EXPLOITATION ACT OF 1979</b> .....	7
Section 5-27-302 - Definitions .....	7
Section 5-27-303 - Engaging children in sexually explicit conduct for use in visual or print medium.....	8
Section 5-27-304 - Pandering or possessing visual or print medium depicting sexually explicit conduct involving a child.....	8
Section 5-27-305 - Transportation of minors for prohibited sexual conduct.....	9
Section 5-27-306 - Internet stalking of a child .....	9
Section 5-27-307 - Sexually grooming a child .....	10
<b>CHAPTER 70 PROSTITUTION</b> .....	11
Section 5-70-101 - Definitions .....	11
Section 5-70-102 - Prostitution.....	11
Section 5-70-103 - Sexual solicitation .....	12
Section 5-70-104 - Promoting prostitution in the first degree .....	13
Section 5-70-105 - Promoting prostitution in the second degree .....	13
Section 5-70-106 - Promoting prostitution in the third degree.....	13
Section 5-70-107 - Sexual solicitation of a minor .....	14
<b>SUBCHAPTER 5 IMPOUNDMENT OF MOTOR VEHICLE DUE TO PROSTITUTION OFFENSE</b> .....	14
Section 5-5-501 - Motor vehicle impoundment .....	14

<b>SUBCHAPTER 2 FORFEITURE OF CONVEYANCES USED IN COMMISSION OF CERTAIN CRIMES .....</b>	<b>16</b>
Section 5-5-201 - Forfeiture requirement - Exceptions .....	16
Section 5-5-202 - Seizure of conveyances .....	17
Section 5-5-203 - Control of seized conveyances .....	17
Section 5-5-204 - Use or sale of conveyances - Disposition of sale proceeds .....	17
Subchapter 7 - ENHANCED PENALTIES FOR CERTAIN OFFENSES.....	18
<b>SUBCHAPTER 2 ARKANSAS CRIMINAL USE OF PROPERTY OR LAUNDERING CRIMINAL PROCEEDS ACT 19</b>	<b>19</b>
Section 5-42-202 - General legislative findings, declarations, and intent .....	19
Section 5-42-203 - Definitions .....	20
Section 5-42-204 - Criminal use of property or laundering criminal proceeds .....	21
Section 5-42-205 - Investigative powers.....	22
Chapter 36 – THEFT.....	22
Section 5-36-103 - Theft of property .....	22
Section 5-36-104 - Theft of services .....	25
Chapter 26 - OFFENSES INVOLVING THE FAMILY .....	26
Section 5-26-204 - Unlawful solicitation for the relinquishment of parental rights .....	26
Subchapter 1 - ARKANSAS CRIMINAL GANG, ORGANIZATION, OR ENTERPRISE ACT.....	27
Section 5-74-105 - Unauthorized use of another person's property to facilitate certain crimes .....	27
Subchapter 2 - VULNERABLE PERSON PROTECTION ACT .....	27
Section 5-29-203 - Abuse of a vulnerable person.....	27
Section 5-29-204 - Neglect of a vulnerable person .....	27
Section 5-29-205 - Exploitation of a vulnerable person .....	28
Arkansas Code of 1987 .....	28
Section 5-28-103 - Criminal penalties for abuse of an endangered or impaired person .....	28
5–13–101 to § 5–13–310 - Assault and Battery crimes.....	29

## CHAPTER 18 HUMAN TRAFFICKING ACT OF 2013

### Section 5-18-102 - Definitions

As used in this chapter:

- (1) "Abuse or threatened abuse of law or legal process" means the use or threatened use of a law or legal process, whether administrative, civil, or criminal, in any manner or for any purpose for which the law was not designed, in order to exert pressure on another person to cause that person to take some action or refrain from taking some action;
- (2) "Commercial sexual activity" means a sexual act or sexually explicit performance for which anything of value is given, promised, or received, directly or indirectly, by a person;
- (3) "Debt bondage" means the status or condition of a debtor arising from a pledge by the debtor of his or her personal services or of the personal services of a person under his or her control as a security for debt, if:
  - (A) The value of the debtor's personal services or of the personal services of a person under his or her control as reasonably assessed is not applied toward the liquidation of the debt;
  - (B) The length and nature of the debtor's personal services or of the personal services of a person under his or her control are not respectively limited and defined; or
  - (C) The principal amount of the debt does not reasonably reflect the value of the items or services for which the debt was incurred;
- (4) "Extortion" means the obtaining of property, labor, a service, credit, a commercial sexual activity, or a sexually explicit performance from another person or of an official act of a public officer through a wrongful use of force or fear or under color of official right;
- (5) "Financial harm" means extortion of credit, criminal violation of the usury laws, or employment contracts that violate the statutes of frauds, § 4-59-101;
- (6) "Grooms" means to expose a minor to sexually explicit language or to a visual or print medium depicting sexually explicit conduct with the purpose to gain the trust of the minor;
- (7) "Involuntary servitude" means the inducement or compulsion of a person to engage in labor, services, or commercial sexual activity by means of:
  - (A) A scheme, plan, or pattern of behavior with a purpose to cause a person to believe that if he or she does not engage in labor, services, or commercial sexual activity, he or she or another person will suffer serious physical injury or physical restraint;
  - (B) Abuse or threatened abuse of law or legal process;
  - (C) The causing of or the threat to cause serious harm to a person;
  - (D) Physically restraining or threatening to physically restrain another person;
  - (E) The kidnapping of or threat to kidnap a person;
  - (F) The taking of another person's personal property or real property;
  - (G) The knowing destruction, concealment, removal, confiscation, or possession of an actual or purported passport, other immigration document, or other actual or purported government identification document of another person;
  - (H) Extortion or blackmail;
  - (I) Deception or fraud;
  - (J) Coercion, duress, or menace;
  - (K) Debt bondage;
  - (L) Peonage; or
  - (M) The facilitation or control of a victim's access to an addictive controlled substance;
- (8) "Labor" means work of economic or financial value;
- (9) "Menace" means a possible danger or threat;

- (10) "Minor" means a person less than eighteen (18) years of age;
- (11) "Organization" means the same as defined in § 5-2-501;
- (12) "Peonage" means holding a person against his or her will to pay off a debt;
- (13) "Serious harm" means any harm, whether physical or nonphysical, including without limitation psychological, financial, or reputational harm, that is sufficiently serious, under all the surrounding circumstances, to compel a reasonable person of the same background and in the same circumstances as the victim to perform or to continue performing labor or service, commercial sexual activity, or a sexually explicit performance in order to avoid incurring that harm;
- (14) "Service" means an act committed at the behest of, under the supervision of, or for the benefit of another person;
- (15)
- (A) "Sex act" means any touching of the sexual or other intimate parts of another person for the purpose of gratifying the sexual desire of a person.
- (B) "Sex act" includes without limitation the touching of the person as well as touching by the person, whether directly or through clothing;
- (16)
- (A) "Sexually explicit" means a depiction or description of a sex act that:
- (i) Either:
- (a) Appeals to the prurient interest; or
- (b) Depicts or describes, in a patently offensive way, the sex act; and
- (ii) Depicts or describes the sex act in a way that lacks literary, artistic, political, or scientific value.
- (B) "Sexually explicit" includes without limitation a depiction or description of a sex act by a minor or that would create criminal liability under § 5-27-303 or § 5-27-304;
- (17)
- (A) "Sexually explicit performance" means an act or show, whether public or private, live, photographed, recorded, or videotaped with a purpose to:
- (i) Either:
- (a) Appeal to the prurient interest; or
- (b) Depict, in a patently offensive way, a sex act; and
- (ii) Do so in a way that lacks literary, artistic, political, or scientific value.
- (B) "Sexually explicit performance" includes without limitation any performance that depicts a sex act by a minor or that would create criminal liability under § 5-27-303 or § 5-27-304; and
- (18) "Victim of human trafficking" means a person who has been subjected to trafficking of persons, § 5-18-103.

Ark. Code § 5-18-102

Amended by Act 2023, No. 772, § 1, eff. 8/1/2023.

Amended by Act 2021, No. 1106, § 3, eff. 7/28/2021.

Amended by Act 2021, No. 1106, § 2, eff. 7/28/2021.

Amended by Act 2021, No. 1098, § 2, eff. 7/28/2021.

Added by Act 2013, No. 133, § 3, eff. 8/16/2013.

Added by Act 2013, No. 132, § 3, eff. 8/16/2013.

### [Section 5-18-103 - Trafficking of persons](#)

(a) A person commits the offense of trafficking of persons if he or she knowingly:

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

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

(3) Subjects a person to involuntary servitude;

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

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

(6) Recruits, entices, solicits, isolates, harbors, transports, provides, maintains, or obtains a pregnant woman for the purpose of causing the pregnant woman to place her unborn child for adoption by:

(A) The use of or threatened use of physical force;

(B) The physical restraint or threat of physical restraint of a person;

(C) Serious physical injury or threat of serious physical injury to a person;

(D) Abuse or threatened abuse of law or legal process;

(E) Any scheme, plan, or pattern that has a purpose to cause the pregnant woman to believe that, if the pregnant woman does not place the unborn child for adoption, a person would suffer serious physical injury or physical restraint; or

(F) Means of serious harm or threats of serious harm to a person; or

(7) Benefits financially or benefits by receiving anything of value from participating in an act described under subdivision (a)(6) of this section.

(b) It is not a defense to prosecution under subdivision (a)(4) of this section that the actor:

(1) Did not have knowledge of a victim's age; or

(2) Mistakenly believed a victim was not a minor.

(c)

(1) Trafficking of persons is a Class A felony.

(2) Trafficking of persons is a Class Y felony if a victim was a minor at the time of the offense.

(d)

(1) In addition to any other sentence authorized by this section, a person who violates this section by offering to pay, agreeing to pay, or paying a fee to engage in sexual activity upon conviction shall be ordered to pay a fine of not less than five thousand dollars (\$5,000) nor more than fifteen thousand dollars (\$15,000).

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

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

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

Ark. Code § 5-18-103

Amended by Act 2023, No. 736, § 3, eff. 8/1/2023.

Amended by Act 2023, No. 327, § 2, eff. 8/1/2023.

Amended by Act 2023, No. 327, § 1, eff. 8/1/2023.

Amended by Act 2021, No. 1106, § 4, eff. 7/28/2021.

Amended by Act 2019, No. 1022, § 1, eff. 7/24/2019.

Amended by Act 2015, No. 1080, § 1, eff. 7/22/2015.

Amended by Act 2013, No. 1257, § 4, eff. 8/16/2013.

Added by Act 2013, No. 133, § 3, eff. 8/16/2013.

Added by Act 2013, No. 132, § 3, eff. 8/16/2013.

### Section 5-18-104 - Patronizing a victim of human trafficking

(a) A person commits the offense of patronizing a victim of human trafficking if he or she knowingly engages in commercial sexual activity with another person who he or she knows or reasonably should know is a victim of human trafficking.

(b)

(1) Patronizing a victim of human trafficking is a Class B felony.

(2) Patronizing a victim of human trafficking is a Class A felony if the victim was a minor at the time of the offense.

(c)

(1) In addition to any other sentence authorized by this section, a person who violates this section by offering to pay, agreeing to pay, or paying a fee to engage in sexual activity upon conviction shall be ordered to pay a fine of not less than five thousand dollars (\$5,000) nor more than fifteen thousand dollars (\$15,000).

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

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

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

Ark. Code § 5-18-104

Amended by Act 2023, No. 736, § 4, eff. 8/1/2023.

Amended by Act 2023, No. 327, § 4, eff. 8/1/2023.

Amended by Act 2023, No. 327, § 3, eff. 8/1/2023.

Added by Act 2013, No. 133, § 3, eff. 8/16/2013.

Added by Act 2013, No. 132, § 3, eff. 8/16/2013.

### Section 5-18-105 - Enhanced liability of an organization

In addition to any other statutorily authorized sentence or fine, an organization convicted of an offense under this chapter is subject to any combination of the following:

(1) A suspension or revocation of a license, permit, or prior approval granted to the organization by a state or local government agency;

(2) A court order to dissolve or reorganize; and

(3) Other relief as is equitable.

Ark. Code § 5-18-105

Added by Act 2013, No. 133, § 3, eff. 8/16/2013.

Added by Act 2013, No. 132, § 3, eff. 8/16/2013.

### Section 5-18-106 - Grooming a minor for future sex trafficking

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

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

(c)

(1) In addition to any other sentence authorized by this section, a person who violates this section by offering to pay, agreeing to pay, or paying a fee to engage in sexual activity upon conviction shall be ordered to pay a fine of not less than five thousand dollars (\$5,000) nor more than fifteen thousand dollars (\$15,000).

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

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

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

Ark. Code § 5-18-106

Amended by Act 2023, No. 327, § 5, eff. 8/1/2023.

Added by Act 2021, No. 1098, § 3, eff. 7/28/2021.

### Section 5-18-107 - Traveling for the purpose of an unlawful sex act with a minor

(a) As used in this section, "travels" means to leave one's residence or locality to go away on a trip, tour, or journey.

(b) A person commits traveling for the purpose of an unlawful sex act with a minor if the person is eighteen (18) years of age or older and knowingly travels for the purpose of engaging in an unlawful sex act with a minor or a person he or she believes is a minor.

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

(d) It is an affirmative defense to prosecution under this section that the actor was not more than three (3) years older than the victim.

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

(f)

(1) In addition to any other sentence authorized by this section, a person who violates this section by offering to pay, agreeing to pay, or paying a fee to engage in sexual activity upon conviction shall be ordered to pay a fine of not less than five thousand dollars (\$5,000) nor more than fifteen thousand dollars (\$15,000).

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

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

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

Ark. Code § 5-18-107

Amended by Act 2023, No. 327, § 6, eff. 8/1/2023.

Added by Act 2021, No. 1098, § 3, eff. 7/28/2021.

## SUBCHAPTER 3 ARKANSAS PROTECTION OF CHILDREN AGAINST EXPLOITATION ACT OF 1979

### Section 5-27-302 - Definitions

As used in this subchapter:

(1) "Child" means any person under eighteen (18) years of age;

(2) "Commercial exploitation" means having monetary or other material gain as a direct or indirect goal;

(3) "Producing" means producing, directing, manufacturing, issuing, publishing, or advertising;

(4) "Sexually explicit conduct" means actual or simulated:

(A) Sexual intercourse, including genital-genital, oral-genital, anal-genital, or oral-anal, whether between persons of the same or opposite sex;

(B) Bestiality;

(C) Masturbation;

(D) Sadoomasochistic abuse for the purpose of sexual stimulation; or

(E) Lewd exhibition of:

(i) The genitals or pubic area of any person; or

(ii) The breast of a female; and

(5) "Visual or print medium" means any film, photograph, negative, slide, book, magazine, magnetic image, electronic image, or other visual or print medium other than material specifically used by a licensed medical professional or mental health professional, or both, for the purpose of assessment, evaluation, and treatment of a sex offender.

Ark. Code § 5-27-302

Amended by Act 2013, No. 1114, § 1, eff. 8/16/2013.

Acts 1979, No. 499, § 2; A.S.A. 1947, § 41-4202; Acts 1995, No. 1209, § 1; 2007, No. 827, § 35; 2011, No. 1190, § 1.

### Section 5-27-303 - Engaging children in sexually explicit conduct for use in visual or print medium

(a) Any person eighteen (18) years of age or older who employs, uses, persuades, induces, entices, or coerces any child to engage in or who has a child assist any other person to engage in any sexually explicit conduct for the purpose of producing any visual or print medium depicting the sexually explicit conduct upon conviction is guilty of a Class Y felony.

(b) Any parent, legal guardian, or person having custody or control of a child who knowingly permits the child to engage in or to assist any other person to engage in sexually explicit conduct for the purpose of producing any visual or print medium depicting the sexually explicit conduct upon conviction is guilty of a Class Y felony.

Ark. Code § 5-27-303

Amended by Act 2021, No. 1102, § 3, eff. 7/28/2021.

Amended by Act 2013, No. 1086, § 3, eff. 8/16/2013.

Acts 1979, No. 499, § 3; A.S.A. 1947, § 41-4203; Acts 2003, No. 1087, § 1.

### Section 5-27-304 - Pandering or possessing visual or print medium depicting sexually explicit conduct involving a child

(a) With knowledge of the character of the visual or print medium involved, no person shall do any of the following:

(1) Knowingly advertise for sale or distribution, sell, distribute, transport, ship, exhibit, display, or receive for the purpose of sale or distribution any visual or print medium depicting a child participating or engaging in sexually explicit conduct; or

(2) Knowingly solicit, receive, purchase, exchange, possess, view, distribute, or control any visual or print medium depicting a child participating or engaging in sexually explicit conduct.

(b) Any person who violates subdivisions (a)(1) or (2) of this section is guilty of a:

(1) Class C felony for the first offense; and

(2) Class B felony for a subsequent offense.

Ark. Code § 5-27-304

Acts 1979, No. 499, § 4; A.S.A. 1947, § 41-4204; Acts 1991, No. 607, § 1.



### Section 5-27-305 - Transportation of minors for prohibited sexual conduct

(a) A person commits the offense of transportation of a minor for prohibited sexual conduct if the person transports, finances in whole or part the transportation of, or otherwise causes or facilitates the movement of any minor, and the actor:

(1) Knows or has reason to know that prostitution or sexually explicit conduct involving the minor will be commercially exploited by any person; and

(2) Acts with the purpose that the minor will engage in:

(A) Prostitution; or

(B) Sexually explicit conduct.

(b) Transportation of a minor for prohibited sexual conduct is a Class Y felony.

Ark. Code § 5-27-305

Amended by Act 2021, No. 1102, § 4, eff. 7/28/2021.

Acts 1979, No. 499, § 5; A.S.A. 1947, § 41-4205; Acts 2007, No. 248, § 1; 2009, No. 748, § 18.

### Section 5-27-306 - Internet stalking of a child

(a) A person commits the offense of internet stalking of a child if the person being twenty-one (21) years of age or older knowingly uses a computer online service, internet service, local internet bulletin board service, or any means of electronic communication to:

(1) Seduce, solicit, lure, or entice a child fifteen (15) years of age or younger in an effort to arrange a meeting with the child for the purpose of engaging in:

(A) Sexual intercourse;

(B) Sexually explicit conduct; or

(C) Deviate sexual activity;

(2) Seduce, solicit, lure, or entice an individual that the person believes to be fifteen (15) years of age or younger in an effort to arrange a meeting with the individual for the purpose of engaging in:

(A) Sexual intercourse;

(B) Sexually explicit conduct; or

(C) Deviate sexual activity;

(3) Compile, transmit, publish, reproduce, buy, sell, receive, exchange, or disseminate the name, telephone number, email address, residence address, picture, physical description, characteristics, or any other identifying information on a child fifteen (15) years of age or younger in furtherance of an effort to arrange a meeting with the child for the purpose of engaging in:

(A) Sexual intercourse;

(B) Sexually explicit conduct; or

(C) Deviate sexual activity;

(4) Compile, transmit, publish, reproduce, buy, sell, receive, exchange, or disseminate the name, telephone number, email address, residence address, picture, physical description, characteristics, or any other identifying information on an individual that the person believes to be fifteen (15) years of age or younger in furtherance of an effort to arrange a meeting with the individual for the purpose of engaging in:

(A) Sexual intercourse;

(B) Sexually explicit conduct; or

(C) Deviate sexual activity; or

(5) Arrange a meeting with another person who holds himself or herself out as the parent, guardian, family member, or other person of authority over a child fifteen (15) years of age or younger or an individual that the person believes to be fifteen (15) years of age or younger in order to seduce, solicit,

lure, or entice the child fifteen (15) years of age or younger or an individual that the person believes to be fifteen (15) years of age or younger for the purpose of engaging in:

(A) Sexual intercourse;

(B) Sexually explicit conduct; or

(C) Deviate sexual activity.

(b) Internet stalking of a child is a:

(1) Class B felony if the person attempts to arrange a meeting with:

(A) A child fifteen (15) years of age or younger, even if a meeting with the child never takes place;

(B) An individual that the person believes to be fifteen (15) years of age or younger, even if a meeting with the individual never takes place; or

(C) A person who holds himself or herself out as the parent, guardian, family member, or other person of authority over a child fifteen (15) years of age or younger or an individual that the person believes to be fifteen (15) years of age or younger, even if a meeting with the person never takes place; or

(2) Class Y felony if the person arranges a meeting with a child fifteen (15) years of age or younger or an individual that the person believes to be fifteen (15) years of age or younger and an actual meeting with the child or the individual takes place, even if the person fails to engage the child or individual in:

(A) Sexual intercourse;

(B) Sexually explicit conduct; or

(C) Deviate sexual activity.

(c) This section does not apply to a person or entity providing an electronic communications service to the public that is used by another person to violate this section, unless the person or entity providing an electronic communications service to the public:

(1) Conspires with another person to violate this section; or

(2) Knowingly aids and abets a violation of this section.

Ark. Code § 5-27-306

Amended by Act 2017, No. 371, § 1, eff. 8/1/2017.

Acts 2005, No. 1776, § 1; 2007, No. 38, § 2; 2007, No. 827, §§ 36, 37.

### Section 5-27-307 - Sexually grooming a child

(a) As used in this section, "disseminates" means to allow to view, expose, furnish, present, sell, or otherwise distribute.

(b) A person commits sexually grooming a child if he or she knowingly disseminates to a child thirteen (13) years of age or younger with or without consideration a visual or print medium depicting sexually explicit conduct with the purpose to entice, induce, or groom the child thirteen (13) years of age or younger to engage in the following with a person:

(1) Sexual intercourse;

(2) Sexually explicit conduct; or

(3) Deviate sexual activity.

(c) Sexually grooming a child is a:

(1) Class D felony if the actor is twenty-one (21) years of age or older; or

(2) Class A misdemeanor if the actor is younger than twenty-one (21) years of age.

(d) It is an affirmative defense to prosecution under this section that the actor was not more than three (3) years older than the victim.

(e) It is not a defense to prosecution under this section that the actor does not know the age of the child or believes the child is fourteen (14) years of age or older.

Ark. Code § 5-27-307

Added by Act 2013, No. 1114, § 2, eff. 8/16/2013.

## CHAPTER 70 PROSTITUTION

### Section 5-70-101 - Definitions

As used in this chapter:

- (1) "Advances prostitution" means a person if, acting other than as a prostitute or a patron of a prostitute, that person knowingly:
  - (A) Causes or aids a person to commit or engage in prostitution;
  - (B) Procures or solicits a patron for prostitution;
  - (C) Provides a person or premises for prostitution purposes;
  - (D) Operates or assists in the operation of a house of prostitution or a prostitution enterprise; or
  - (E) Engages in any other conduct designed to institute, aid, or facilitate an act or enterprise of prostitution;
- (2) "Physical force" means any bodily impact, restraint, or confinement or the threat of bodily impact, restraint, or confinement;
- (3) "Profits from prostitution" means a person if, acting other than as a prostitute receiving compensation for personally rendered prostitution services, the person accepts or receives money or other property pursuant to an agreement or understanding with any person in which the person participates or is to participate in the proceeds of prostitution; and
- (4) "Sexual activity" means sexual intercourse, deviate sexual activity, or sexual contact as defined in § 5-14-101.

Ark. Code § 5-70-101

Acts 1975, No. 280, § 3001; A.S.A. 1947, § 41-3001.

### Section 5-70-102 - Prostitution

- (a) A person commits prostitution if in return for or in expectation of a fee he or she engages in or agrees or offers to engage in sexual activity with any other person.
- (b) Prostitution is a:
  - (1) Class B misdemeanor for the first offense; and
  - (2) Class A misdemeanor for a second or subsequent offense under this section.
- (c) It is not an offense under this section if at the time of the person's commission of or arrest for an act that meets the elements of the offense of prostitution, the person was a victim of trafficking of persons, § 5-18-103.
- (d)
  - (1) If a law enforcement agency is investigating an offense under this section that has allegedly been committed by a minor, the law enforcement agency shall make every effort to determine whether the minor, at the time of the offense, was a victim of trafficking of persons, § 5-18-103.
  - (2) If a determination under subdivision (d)(1) of this section is made that the minor was a victim of trafficking of persons, § 5-18-103, the law enforcement agency investigating the offense shall immediately notify the prosecuting attorney.
- (e)
  - (1) In addition to any other sentence authorized by this section, a person who violates this section by offering to pay, agreeing to pay, or paying a fee to engage in sexual activity upon conviction shall be ordered to pay a fine of :

- (A) One thousand dollars (\$1,000) if convicted of a Class B misdemeanor; or
  - (B) Two thousand five hundred dollars (\$2,500) if convicted of a Class A misdemeanor.
- (2) Fine payments received under subdivision (e)(1) of this section shall be deposited as follows:
- (A) Fifty percent (50%) into the Safe Harbor Fund for Sexually Exploited Children; and
  - (B) Fifty percent (50%) into the Human Trafficking Victim Support Fund.
- Ark. Code § 5-70-102

Amended by Act 2023, No. 327, § 7, eff. 8/1/2023.

Amended by Act 2019, No. 1020, § 1, eff. 7/24/2019.

Amended by Act 2013, No. 1257, § 5, eff. 8/16/2013.

Amended by Act 2013, No. 133, § 4, eff. 8/16/2013.

Amended by Act 2013, No. 132, § 4, eff. 8/16/2013.

Acts 1975, No. 280, § 3002; 1981, No. 816, § 1; 1983, No. 414, § 1; A.S.A. 1947, § 41-3002.

### Section 5-70-103 - Sexual solicitation

- (a) A person commits the offense of sexual solicitation if he or she:
- (1) Offers or agrees to pay a fee to a person to engage in sexual activity with him or her or another person; or
  - (2) Solicits or requests a person to engage in sexual activity with him or her in return for a fee.
- (b) Sexual solicitation is an unclassified misdemeanor with the following sentences:
- (1) For a first offense:
    - (A) No more than ninety (90) days' imprisonment;
    - (B) A fine of no more than two thousand dollars (\$2,000); or
    - (C) Both imprisonment and a fine; and
  - (2) For a second or subsequent offense:
    - (A) No more than one (1) year of imprisonment;
    - (B) A fine of no more than three thousand five hundred dollars (\$3,500); or
    - (C) Both imprisonment and a fine.
- (c) It is an affirmative defense to prosecution under this section that the person engaged in an act of sexual solicitation as a result of being a victim of trafficking of persons, § 5-18-103.
- (d)
- (1) In addition to any other sentence authorized by this section, a person who violates this section by offering to pay, agreeing to pay, or paying a fee to engage in sexual activity upon conviction shall be ordered to pay a fine of two thousand five hundred dollars (\$2,500).
  - (2) Fine payments received under subdivision (d)(1) of this section shall be deposited as follows:
    - (A) Fifty percent (50%) into the Safe Harbor Fund for Sexually Exploited Children; and
    - (B) Fifty percent (50%) into the Human Trafficking Victim Support Fund.
- Ark. Code § 5-70-103

Amended by Act 2023, No. 327, § 8, eff. 8/1/2023.

Amended by Act 2017, No. 765, § 2, eff. 8/1/2017.

Amended by Act 2013, No. 1257, § 6, eff. 8/16/2013.

Amended by Act 2013, No. 1157, § 4, eff. 8/16/2013.

Amended by Act 2013, No. 133, § 5, eff. 8/16/2013.

Amended by Act 2013, No. 132, § 5, eff. 8/16/2013.

Acts 1975, No. 280, § 3003; A.S.A. 1947, § 41-3003; Acts 1999, No. 591, § 1; 2009, No. 428, § 1.

### Section 5-70-104 - Promoting prostitution in the first degree

- (a) A person commits the offense of promoting prostitution in the first degree if he or she knowingly:
- (1) Advances prostitution by compelling a person by physical force or intimidation to engage in prostitution or profits from such coercive conduct by another; or
  - (2) Advances prostitution or profits from prostitution of a person less than eighteen (18) years of age.
- (b) Promoting prostitution in the first degree is a:
- (1) Class D felony under subdivision (a)(1) of this section;
  - (2) Class B felony under subdivision (a)(2) of this section.
- (c)
- (1) In addition to any other sentence authorized by this section, a person who violates this section by offering to pay, agreeing to pay, or paying a fee to engage in sexual activity upon conviction shall be ordered to pay a fine of two thousand five hundred dollars (\$2,500).
  - (2) Fine payments received under subdivision (c)(1) of this section shall be deposited as follows:
    - (A) Fifty percent (50%) into the Safe Harbor Fund for Sexually Exploited Children; and
    - (B) Fifty percent (50%) into the Human Trafficking Victim Support Fund.
- Ark. Code § 5-70-104

Amended by Act 2023, No. 659, § 46, eff. 1/1/2024.  
Amended by Act 2023, No. 327, § 9, eff. 8/1/2023.  
Acts 1975, No. 280, § 3004; A.S.A. 1947, § 41-3004.

### Section 5-70-105 - Promoting prostitution in the second degree

- (a) A person commits the offense of promoting prostitution in the second degree if he or she knowingly advances prostitution or profits from prostitution by managing, supervising, controlling, or owning, either alone or in association with another, a house of prostitution or a prostitution enterprise involving two (2) or more prostitutes.
- (b) Promoting prostitution in the second degree is a Class A misdemeanor.
- (c)
- (1) In addition to any other sentence authorized by this section, a person who violates this section by offering to pay, agreeing to pay, or paying a fee to engage in sexual activity upon conviction shall be ordered to pay a fine of two thousand five hundred dollars (\$2,500).
  - (2) Fine payments received under subdivision (c)(1) of this section shall be deposited as follows:
    - (A) Fifty percent (50%) into the Safe Harbor Fund for Sexually Exploited Children; and
    - (B) Fifty percent (50%) into the Human Trafficking Victim Support Fund.
- Ark. Code § 5-70-105

Amended by Act 2023, No. 327, § 10, eff. 8/1/2023.  
Acts 1975, No. 280, § 3005; A.S.A. 1947, § 41-3005.

### Section 5-70-106 - Promoting prostitution in the third degree

- (a) A person commits the offense of promoting prostitution in the third degree if:
- (1) Having a possessory or proprietary interest in premises that he or she knows is being used for prostitution, the person fails to make reasonable effort to halt or abate the use for prostitution; or
  - (2) He or she knowingly advances prostitution or profits from prostitution.
- (b) Promoting prostitution in the third degree is a Class B misdemeanor.
- (c)

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

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

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

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

Ark. Code § 5-70-106

Amended by Act 2023, No. 327, § 11, eff. 8/1/2023.

Acts 1975, No. 280, § 3006; A.S.A. 1947, § 41-3006.

### Section 5-70-107 - Sexual solicitation of a minor

(a) A person commits the offense of sexual solicitation of a minor if he or she:

(1) Offers or agrees to pay a fee or provide a thing of value to a person who he or she knows or reasonably should know is a minor to engage in sexual activity with the person who he or she knows or reasonably should know is a minor;

(2) Offers or agrees to pay a fee or provide a thing of value to another person for the purpose of engaging in sexual activity with a person who he or she knows or reasonably should know is a minor;

(3) Solicits, offers, or agrees to accept a fee or a thing of value from another person for the purpose of allowing the other person to engage in sexual activity with a person who he or she knows or reasonably should know is a minor; or

(4) Pays a fee or provides a thing of value to a person who he or she knows or reasonably should know is a minor or another person for the purpose of engaging in sexual activity with the person who he or she knows or reasonably should know is a minor.

(b) It is an affirmative defense to a prosecution under this section that the actor in good faith reasonably believed that the minor was eighteen (18) years of age or older.

(c) It is not a defense to a prosecution under this section that the minor consented to the sexual activity.

(d) Sexual solicitation of a minor is a Class B felony.

(e)

(1) In addition to any other sentence authorized by this section, a person who violates this section by offering to pay, agreeing to pay, or paying a fee to engage in sexual activity upon conviction shall be ordered to pay a fine of not less than five thousand dollars (\$5,000) nor more than fifteen thousand dollars (\$15,000).

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

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

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

Ark. Code § 5-70-107

Added by Act 2023, No. 722, § 1, eff. 8/1/2023.

## SUBCHAPTER 5 IMPOUNDMENT OF MOTOR VEHICLE DUE TO PROSTITUTION OFFENSE

### Section 5-5-501 - Motor vehicle impoundment

(a) An arresting law enforcement officer may impound the motor vehicle of a person arrested if:

(1) The motor vehicle was used in the commission of an offense under § 5-70-101 et seq. by the person arrested;

(2) The person arrested is the owner of the motor vehicle or the motor vehicle is being rented and the person arrested is the lessee; and

(3) Either:

(A) The person arrested has previously been convicted of an offense under § 5-70-101 et seq.; or

(B) An ordinance under subsection (b) of this section is in effect and the offense was committed within an area designated under subsection (b) of this section.

(b)

(1) A local government may designate by ordinance an area within which a motor vehicle is subject to impoundment if a person using a motor vehicle is arrested for an offense under § 5-70-101 et seq.

(2) The designation must be based on evidence indicating that the area has a disproportionately higher number of arrests for an offense under § 5-70-101 et seq. as compared to other areas within the same jurisdiction.

(3) The local government shall post signs at the boundaries of the area to indicate that the area has been designated under this subsection.

(c)

(1) An impoundment of a motor vehicle under this section shall be in accordance with state law, and the impoundment shall be indicated as a "prostitution hold".

(2)

(A) Before redeeming the impounded motor vehicle, and in addition to all applicable impoundment, towing, and storage fees paid to the towing company as provided by law, an owner of an impounded motor vehicle shall pay an impoundment fee of five hundred dollars (\$500) to the impounding law enforcement agency.

(B)

(i) Upon receipt of the impoundment fee paid under subdivision (c)(2)(A) of this section, the impounding law enforcement agency shall issue a written receipt to the owner of the impounded motor vehicle, which the owner shall provide to the towing company.

(ii) The written receipt issued under subdivision (c)(2)(B)(i) of this section authorizes the towing company to release the impounded motor vehicle upon payment of all impoundment, towing, and storage fees.

(iii) A towing company that relies on a forged receipt to release a motor vehicle impounded under this section is not liable to the impounding law enforcement agency for any unpaid impoundment fee under this subsection.

(d) An impoundment fee assessed under this section shall be collected by the impounding law enforcement agency and remitted to the Human Trafficking Victim Support Fund on the first business day of each month.

(e)

(1) In a legal proceeding to contest the validity of an impoundment under this section in which the person substantially prevails, in which the person is found not guilty at trial for the offense or offenses for which the motor vehicle was impounded, or in which the charges for which the motor vehicle was impounded are dismissed, the person is entitled to a full refund of the impoundment, towing, and storage fees paid and the impounding fee paid under subsection (c) of this section.

(2) A refund made under this subsection shall be paid by the impounding law enforcement agency.

(3) Before receiving a refund under this subsection, the person must provide proof of payment of the fee for which he or she is claiming a refund.

Ark. Code § 5-5-501

Added by Act 2017, No. 765, § 1, eff. 8/1/2017.

## SUBCHAPTER 2 FORFEITURE OF CONVEYANCES USED IN COMMISSION OF CERTAIN CRIMES

### Section 5-5-201 - Forfeiture requirement - Exceptions

(a) Upon conviction, any conveyance, including an aircraft, motor vehicle, or vessel, is subject to forfeiture under this subchapter if it is used in the commission or attempt of:

- (1) A burglary;
- (2) A robbery;
- (3) A theft;
- (4) An arson; or
- (5) Trafficking of persons, § 5-18-103.

(b) However:

- (1) A conveyance used by any person as a common carrier in the transaction of business as a common carrier is not subject to forfeiture under this subchapter unless it appears that the owner or other person in charge of the conveyance was a consenting party or privy to the commission or attempt to commit the offense;
- (2) A conveyance is not subject to forfeiture under this subchapter by reason of any act or omission established by the owner of the conveyance to have been committed or omitted without his or her knowledge or consent and without the knowledge or consent of any person having possession, care, or control of the conveyance with the owner's permission; and
- (3) A forfeiture of a conveyance encumbered by a security interest is subject to the security interest of the secured party if the secured party neither had knowledge of nor consented to the use of the conveyance in the commission or attempt to commit the offense.

(c)

(1) A person who uses or possesses one (1) or more of the following items or conveyances in the commission of a second or subsequent offense for criminal trespass, § 5-39-203, or criminal trespass on premises located in an unincorporated area, § 5-39-305, that occurs within five (5) years of a prior offense of criminal trespass, § 5-39-203, or criminal trespass on premises located in an unincorporated area, § 5-39-305, is subject to that item's or conveyance's being seized and forfeited under this subchapter:

- (A) An all-terrain vehicle, as defined under § 27-21-102;
- (B) A conveyance, including an aircraft, motor vehicle, or vessel;
- (C) A harvesting device, as defined under § 5-39-101;
- (D) A killing device, as defined under § 5-39-101; or
- (E) A tool or other implement.

(2) A person or entity that has a valid security interest in an item or conveyance subject to seizure and forfeiture under this subsection is entitled to notice of any forfeiture proceeding as well as the right to intervene in the forfeiture proceeding in order to secure and represent the person's or entity's interest in the item or conveyance to be forfeited.

Ark. Code § 5-5-201

Amended by Act 2017, No. 877, § 1, eff. 8/1/2017.

Amended by Act 2013, No. 1363, § 1, eff. 8/16/2013.

Amended by Act 2013, No. 1157, § 2, eff. 8/16/2013.

Acts 1985, No. 238, § 1; A.S.A. 1947, § 41-1403.



### Section 5-5-202 - Seizure of conveyances

(a) A conveyance subject to forfeiture under this subchapter may be seized by any law enforcement agent upon process issued by any circuit court having jurisdiction over the conveyance upon a petition filed by the prosecuting attorney of the judicial district.

(b) Seizure without process may be made if:

(1) The seizure is incident to an arrest or a search under a search warrant; or

(2) Any law enforcement officer has probable cause to believe that the conveyance was used in the commission or attempt of:

(A) A burglary;

(B) A robbery;

(C) A theft;

(D) An arson; or

(E) Trafficking of persons, § 5-18-103.

Ark. Code § 5-5-202

Amended by Act 2015, No. 1155, § 4, eff. 7/22/2015.

Amended by Act 2013, No. 1157, § 3, eff. 8/16/2013.

Acts 1985, No. 238, § 2; A.S.A. 1947, § 41-1404.

### Section 5-5-203 - Control of seized conveyances

(a) When a conveyance is seized under this subchapter, the conveyance shall remain in the custody of the seizing law enforcement agency.

(b)

(1) The conveyance is not subject to replevin.

(2) However, the conveyance is subject only to an order or decree of the circuit court having jurisdiction over the conveyance.

Ark. Code § 5-5-203

Acts 1985, No. 238, § 3; A.S.A. 1947, § 41-1405.

### Section 5-5-204 - Use or sale of conveyances - Disposition of sale proceeds

(a)

(1)

(A) Upon conviction and a hearing, when the circuit court having jurisdiction over the conveyance seized finds by a preponderance of the evidence that a ground for a forfeiture exists under this subchapter, the circuit court may enter an order to sell the conveyance.

(B) After allowance for reasonable expenses of seizure and maintenance of custody of the conveyance, the proceeds from a sale under subdivision (a)(1)(A) of this section shall be used to satisfy any outstanding restitution under § 5-4-205 owed to a victim of an offense for which the conveyance was used, if the victim files a petition with the circuit court or makes a request to the circuit court within thirty (30) days of the filing of the sentencing order of the convicted defendant.

(2) If there is not a victim of an offense owed restitution under § 5-4-205, the circuit court shall enter an order to:

(A) Permit the law enforcement agency or the prosecuting attorney for the judicial district in which the conveyance was seized to retain the conveyance for official use; or

(B)

(i) Permit the law enforcement agency to sell the conveyance at a public or private sale.

(ii) In the event of a sale, the circuit court shall provide by order that the proceeds be used for payment of any proper expense of the proceeding for forfeiture and sale, including expenses of:

- (a) Investigation;
- (b) Seizure;
- (c) Maintenance of custody;
- (d) Advertising; and
- (e) Court costs.

(b) Any proceeds from the sale of a forfeited conveyance under subdivision (a)(2)(B) of this section, or if there was a victim of an offense owed restitution under § 5-4-205, the proceeds remaining after the satisfaction of the victim's restitution under § 5-4-205 in excess of a proper expense shall be distributed as follows:

(1) Forty percent (40%) to be deposited into the State Treasury as special revenues to the credit of the Department of Arkansas State Police Fund;

(2)

(A) Forty percent (40%) to the law enforcement agency that perfected the arrest.

(B) However, if a federal agency perfected the arrest, the forty percent (40%) under subdivision (b)(2)(A) of this section shall be distributed to the county sheriff's office of the county responsible for the prosecution; and

(3) Twenty percent (20%) to the county sheriff's office of the county responsible for the prosecution.

Ark. Code § 5-5-204

Amended by Act 2023, No. 659, § 24, eff. 1/1/2024.

Amended by Act 2013, No. 1125, § 4, eff. 8/16/2013.

Acts 1985, No. 238, § 4; A.S.A. 1947, § 41-1406; Acts 2011, No. 866, § 1.

## Subchapter 7 - ENHANCED PENALTIES FOR CERTAIN OFFENSES

Section 5-4-703 - Additional fine - Offense committed against a child or in the presence of a child

(a) In addition to any other sentence, the court shall assess an additional fine of one hundred dollars (\$100) for the following offenses if the finder of fact determines that the offense was committed against a child or in the presence of a child:

(1) A felony involving violence as defined in § 5-4-501(d)(2);

(2) Manslaughter, § 5-10-104, or negligent homicide, § 5-10-105;

(3) False imprisonment in the first degree, § 5-11-103, or false imprisonment in the second degree, § 5-11-104;

(4) Battery in the second degree, § 5-13-202, or battery in the third degree, § 5-13-203;

(5) Aggravated assault, § 5-13-204, assault in the first degree, § 5-13-205, assault in the second degree, § 5-13-206, assault in the third degree, § 5-13-207, or coercion, § 5-13-208;

(6) Introduction of controlled substance into body of another person, § 5-13-210;

(7) Terroristic threatening, § 5-13-301, or terroristic act, § 5-13-310;

(8) Sexual indecency with a child, § 5-14-110, if the offense is a felony or Class A misdemeanor, indecent exposure, § 5-14-112, sexual assault in the third degree, § 5-14-126, or sexual assault in the fourth degree, § 5-14-127;

(9) Trafficking of persons, § 5-18-103, or patronizing a victim of human trafficking, § 5-18-104;

(10) Domestic battering in the second degree, § 5-26-304, domestic battering in the third degree, § 5-26-305, aggravated assault on a family or household member, § 5-26-306, first degree assault on a family or household member, § 5-26-307, second degree assault on a family or household member, § 5-26-308, or third degree assault on a family or household member, § 5-26-309;

- (11) Endangering the welfare of a minor in the first degree, § 5-27-205, endangering the welfare of a minor in the second degree, § 5-27-206, or endangering the welfare of a minor in the third degree, § 5-27-207;
- (12) Engaging in sexually explicit conduct for use in visual or print medium, § 5-27-303, pandering or possessing visual or print medium depicting sexually explicit conduct involving a child, § 5-27-304, transportation of minors for prohibited sexual conduct, § 5-27-305, internet stalking of a child, § 5-27-306, or sexually grooming a child, § 5-27-307;
- (13) Employing or consenting to the use of a child in a sexual performance, § 5-27-402, or producing, directing, or promoting a sexual performance by a child, § 5-27-403;
- (14) Distributing, possessing, or viewing of matter depicting sexually explicit conduct involving a child, § 5-27-602, possession or use of child sexual abuse material, § 5-27-603, failure to report the existence of child sexual abuse material, § 5-27-604, or computer exploitation of a child, § 5-27-605;
- (15) Fleeing, if under § 5-54-125(d);
- (16) Aggravated cruelty to a dog, cat, or equine, § 5-62-104;
- (17) A controlled substance offense in which an enhanced penalty under § 5-64-406 or § 5-64-407 is applied;
- (18) Driving or boating while intoxicated, § 5-65-103; or
- (19) Reckless driving, § 27-50-308.

(b)

(1) A fine assessed and collected under this section shall be remitted on or before the fifteenth day of the following month to the Arkansas Children's Advocacy Center Fund under § 19-5-1260.

(2) A form identifying the amount of fines assessed under this section shall be transmitted with the collected fines.

Ark. Code § 5-4-703

Amended by Act 2023, No. 619, § 2, eff. 8/1/2023.

Amended by Act 2023, No. 21, § 2, eff. 8/1/2023.

Amended by Act 2017, No. 714, § 2, eff. 8/1/2017.

Amended by Act 2017, No. 389, § 2, eff. 8/1/2017.

Added by Act 2015, No. 1220, § 1, eff. 7/22/2015.

## SUBCHAPTER 2 ARKANSAS CRIMINAL USE OF PROPERTY OR LAUNDERING CRIMINAL PROCEEDS ACT

### Section 5-42-202 - General legislative findings, declarations, and intent

(a)

(1) The General Assembly finds that the State of Arkansas is experiencing an increase in crime committed by criminal gangs, organizations, or enterprises.

(2) These criminal gangs, organizations, or enterprises support themselves by engaging in criminal activity for profit, most commonly through the distribution of controlled substances and by theft of property.

(b)

(1) The General Assembly further finds that with increasing frequency, criminals are using sophisticated means of concealing criminal proceeds and in most cases moving criminal proceeds out of Arkansas.

(2)

(A) In order to reap the rewards of their criminal conduct, criminals must conceal the source of the criminal proceeds and the identity of the individuals who work to obtain the criminal proceeds.

(B) They convert the criminal proceeds to property or assets that appear to have come from a legitimate source.

(C)

(i) Often they must maintain the property or assets in another person's name.

(ii) This also helps them to avoid detection, identification, and seizure.

(3)

(A) While individual criminals launder their criminal proceeds, this is particularly common among members and associates of criminal gangs, organizations, and enterprises.

(B) There is strong evidence that this increased sophistication is due largely to contact with other criminal gangs, organizations, or enterprises from other states.

(c) The General Assembly further finds that we cannot afford to allow millions of dollars in untaxed criminal proceeds to be taken from the state's economy each year.

(d) The intent of the General Assembly is to enact penalties that will:

(1) Deter and punish the criminal use of property or the laundering of criminal proceeds; and

(2) Facilitate the investigation of the criminal use of property or the laundering of criminal proceeds.

Ark. Code § 5-42-202

Acts 1993, No. 1148, § 2; 2005, No. 1962, § 7.

### Section 5-42-203 - Definitions

As used in this subchapter:

(1) "Conducts" means initiating or concluding, or participating in initiating or concluding, a transaction;

(2) "Contraband" means any funds or property or monetary instrument that is criminal proceeds or that was otherwise used with the knowledge and consent of the owner to facilitate a violation of this subchapter, as well as any related record and any other article possessed under circumstances prohibited by law;

(3) "Crime of pecuniary gain" means any violation of Arkansas law that results, or was intended to result, in the defendant receiving income, benefit, property, money, or anything of value;

(4) "Crime of violence" means any violation of Arkansas law in which a person purposely or knowingly causes, or threatens to cause, death or physical injury to another person, specifically including rape;

(5) "Criminal proceeds" means:

(A) Anything of value furnished or intended to be furnished in exchange for criminal conduct or contraband received in violation of state or federal law; and

(B) Property or profits traceable to an exchange described in this subdivision (5);

(6) "Monetary instrument" means any:

(A) Coin or currency of the United States or of any other country; and

(B) Traveler's check, personal check, bank check, money order, investment security in bearer form or otherwise in such form that title to the investment security passes upon delivery, and negotiable instrument in bearer form or otherwise in such form that title to the negotiable instrument passes upon delivery;

(7) "Predicate criminal offense" means any violation of Arkansas law that is a crime of violence or crime of pecuniary gain; and

(8)

(A) "Transaction" means any acquisition or disposition of property by any means, including a purchase, sale, trade, investment, payment, loan, pledge, gift, transfer, delivery, deposit, withdrawal, transfer between accounts, exchange of currency, extension of credit, purchase or sale of any stock, bond,

certificate of deposit, or other monetary instrument, or any other payment, transfer, or delivery by, through, or to a financial institution, by whatever means effected.

(B) Subdivision (8)(A) of this section is not an exclusive list.

Ark. Code § 5-42-203

Acts 1993, No. 1148, § 3.

### Section 5-42-204 - Criminal use of property or laundering criminal proceeds

(a) A person commits the offense of criminal use of property or laundering criminal proceeds if the person knowingly:

(1) Conducts or attempts to conduct a transaction involving criminal proceeds that were derived from any predicate criminal offense, or that were represented to be criminal proceeds from any predicate criminal offense, with the intent to:

(A) Conceal the location, source, ownership, or control of the criminal proceeds;

(B) Avoid a reporting requirement under state or federal law; or

(C) Acquire any interest in the criminal proceeds; or

(2) Uses or makes available for use any property in which he or she has any ownership or lawful possessory interest to facilitate a predicate criminal offense.

(b) Any person who is guilty of criminal use of property or laundering criminal proceeds commits a Class C felony.

(c)

(1) Upon conviction, the prosecuting attorney may institute a civil action against any person who violates this section to obtain a judgment against any person who violates this section, jointly and severally, for damages in an amount equal to property, funds, or a monetary instrument involved in the violation as well as the proceeds acquired by any person involved in the enterprise or by reason of conduct in furtherance of the violation, together with costs incurred for resources and personnel used in the investigation and prosecution of both criminal and civil proceedings.

(2) The standard of proof in an action brought under this subsection is preponderance of the evidence.

(3) The procedures for forfeiture and distribution in the asset forfeiture law, § 5-64-505, apply.

(4) A defendant in a civil action brought under this subsection is entitled to trial by jury.

(d)

(1) An attorney who represents a criminal defendant or person who he or she reasonably believes may become a criminal defendant may not be prosecuted for receiving payment for a service rendered to a person whom he or she represents in a criminal proceeding or in dealing with a matter that might reasonably become the subject of a criminal proceeding.

(2) Should a court deny a motion to dismiss, a licensed attorney may maintain this as a defense at trial.

(3) No payment described in subdivision (d)(1) of this section may be seized from the attorney if the payment was received for a service rendered pursuant to prosecution under this section, unless a court of competent jurisdiction determines after a hearing that seizure of the property is necessary for prosecution of any criminal matter and is not protected by any applicable privilege.

Ark. Code § 5-42-204

Acts 1993, No. 1148, § 4; 2005, No. 1962, § 8.

## Section 5-42-205 - Investigative powers

(a) The prosecuting attorney may file an ex parte petition supported by affidavit or recorded sworn testimony before any judicial officer of competent jurisdiction seeking any record or report required to be made by law.

(b) The judicial officer may order the custodian to deliver to the prosecuting attorney any record or report that is required to be made by Arkansas law, including a tax record or report, if the court finds reasonable cause to believe that the record or report requested is needed for a legitimate investigative or prosecutorial purpose and that the investigation or prosecution involves a violation of any predicate criminal offense.

(c) The judicial officer may order the custodian to deliver to the prosecuting attorney any record or report that is required to be made by federal law if federal law does not specifically prohibit the record or report's disclosure to a state prosecuting attorney and if the court finds reasonable cause to believe that the record or report requested is needed for a legitimate investigative or prosecutorial purpose and that the investigation or prosecution involves a violation of this section or any predicate criminal offense.

(d)

(1) Nothing in this section requires a court order when any record or report may currently be obtained pursuant to the prosecuting attorney's subpoena power.

(2) However, the prosecuting attorney may use the procedure and burden established in this section to obtain any other record or report, notwithstanding whether the law requires the record or report to be made or a court order for disclosure.

(e) Any record or report disclosed under a provision of this section may be introduced as evidence if the record or report is otherwise admissible under the applicable rule of evidence.

(f) An individual whose record is obtained shall be notified by the prosecuting attorney ninety (90) days after the order is issued unless a court finds the investigation is continuing and enters an order deferring the notice requirement under this subsection until ninety (90) days after the investigation is completed or until prosecution has been initiated and a motion for discovery granted.

Ark. Code § 5-42-205

Acts 1993, No. 1148, § 5.

## Chapter 36 – THEFT

### Section 5-36-103 - Theft of property

(a) A person commits theft of property if he or she knowingly:

(1) Takes or exercises unauthorized control over or makes an unauthorized transfer of an interest in the property of another person with the purpose of depriving the owner of the property; or

(2) Obtains the property of another person by deception or by threat with the purpose of depriving the owner of the property.

(b) Theft of property is a:

(1) Class B felony if:

(A) The value of the property is twenty-five thousand dollars (\$25,000) or more;

(B) The property is obtained by the threat of serious physical injury to any person or destruction of the occupiable structure of another person;

(C) The property is obtained by threat and the actor stands in a confidential or fiduciary relationship to the person threatened; or

(D) The property is:

- (i) Anhydrous ammonia in any form;
- (ii) A product containing any percentage of anhydrous ammonia in any form;
- (iii) Utility property and the value of the property is five hundred dollars (\$500) or more; or
- (iv) Oil and gas equipment, the value of the property is less than twenty-five thousand dollars (\$25,000) but more than five thousand dollars (\$5,000), and the person:
  - (a) Caused more than two hundred fifty dollars (\$250) in incidental damage to the owner of the oil and gas equipment during the commission of the offense; or
  - (b) Transported the oil and gas equipment across state lines to sell or dispose of the oil and gas equipment;
- (2) Class C felony if:
  - (A) The value of the property is less than twenty-five thousand dollars (\$25,000) but more than five thousand dollars (\$5,000);
  - (B) The property is obtained by threat;
  - (C) The property is a firearm valued at two thousand five hundred dollars (\$2,500) or more;
  - (D) The property is building material obtained from a permitted construction site and the value of the building material is five hundred dollars (\$500) or more;
  - (E) The value of the property is five hundred dollars (\$500) or more and the theft occurred in an area declared to be under a state of emergency pursuant to proclamation by the President of the United States, the Governor, or the executive officer of a city or county; or
  - (F) The property is oil and gas equipment, the value of the property is five thousand dollars (\$5,000) or less but more than one thousand dollars (\$1,000), and the person:
    - (i) Caused more than two hundred fifty dollars (\$250) in incidental damage to the owner of the oil and gas equipment during the commission of the offense; or
    - (ii) Transported the oil and gas equipment across state lines to sell or dispose of the oil and gas equipment;
- (3) Class D felony if:
  - (A) The value of the property is five thousand dollars (\$5,000) or less but more than one thousand dollars (\$1,000);
  - (B) The property is a firearm valued at less than two thousand five hundred dollars (\$2,500);
  - (C) The property is a:
    - (i) Credit card or credit card account number; or
    - (ii) Debit card or debit card account number;
  - (D) The value of the property is at least one hundred dollars (\$100) or more but less than five hundred dollars (\$500) and the theft occurred in an area declared to be under a state of emergency pursuant to proclamation by the President of the United States, the Governor, or the executive officer of a city or county;
  - (E) The property is livestock and the value of the livestock is in excess of two hundred dollars (\$200);
  - (F) The property is an electric power line, gas line, water line, wire or fiber insulator, electric motor, or other similar apparatus connected to a farm shop, on-farm grain drying and storage complex, heating and cooling system, environmental control system, animal production facility, irrigation system, or dwelling;
  - (G) The property is a decorative or memorial item from a cemetery, graveyard, or a person's grave site and the offense is the actor's second or subsequent offense of theft of a decorative or memorial item from a cemetery, graveyard, or a person's grave site under this section;
  - (H) The property is oil and gas equipment and the value of the oil and gas equipment is one thousand dollars (\$1,000) or less, and the person:
    - (i) Caused more than two hundred fifty dollars (\$250) in incidental damage to the owner of the oil and gas equipment during the commission of the offense; or

- (ii) Transported the oil and gas equipment across state lines to sell or dispose of the oil and gas equipment; or
  - (I) The property is a postal package removed from the curtilage of a residential occupiable structure or from a delivery vehicle at any point throughout the delivery route; or
  - (J) The value of the property is one thousand dollars (\$1,000) or less and the person has been previously convicted of a theft offense of any classification within ten (10) years of the current offense.
- (4) Class A misdemeanor if:
- (A) The value of the property is one thousand dollars (\$1,000) or less;
  - (B) The property has inherent, subjective, or idiosyncratic value to its owner or possessor even if the property has no market value or replacement cost; or
  - (C) The property is a decorative or memorial item from a cemetery, graveyard, or a person's grave site.
- (c)
- (1) Upon the proclamation of a state of emergency by the President of the United States or the Governor or upon the declaration of a local emergency by the executive officer of any city or county and for a period of thirty (30) days following that declaration, the penalty for theft of property is enhanced if the property is:
- (A) A generator intended for use by:
    - (i) A public facility;
    - (ii) A nursing home or hospital;
    - (iii) An airport;
    - (iv) A public safety device;
    - (v) A communication tower or facility;
    - (vi) A public utility;
    - (vii) A water system or sewer system;
    - (viii) A public safety agency; or
    - (ix) Any other facility or use providing a vital service; or
  - (B) Any other equipment used in the transmission of electric power or telephone service.
- (2) As used in this subsection:
- (A) "Public safety agency" means an agency of the State of Arkansas or a functional division of a political subdivision that provides:
    - (i) Firefighting and rescue;
    - (ii) Natural or human-caused disaster or major emergency response;
    - (iii) Law enforcement; or
    - (iv) Ambulance or emergency medical services; and
  - (B) "Public safety device" includes, but is not limited to, a traffic signaling device or a railroad crossing device.
- (3) The penalty is enhanced as follows:
- (A)
    - (i) The fine for the offense shall be at least five thousand dollars (\$5,000) and not more than fifty thousand dollars (\$50,000).
    - (ii) The fine is mandatory; and
  - (B) The offense is a Class D felony if it would have been a Class A misdemeanor.
- Ark. Code § 5-36-103

Amended by Act 2023, No. 659, § 37, eff. 1/1/2024.

Amended by Act 2021, No. 340, § 2, eff. 3/15/2021.

Amended by Act 2019, No. 611, § 2, eff. 7/24/2019.

Amended by Act 2019, No. 503, § 1, eff. 7/24/2019.



Amended by Act 2019, No. 311, § 1, eff. 7/24/2019.

Amended by Act 2013, No. 1125, § 7, eff. 8/16/2013.

Acts 1975, No. 280, § 2203; 1977, No. 360, § 8; 1979, No. 592, § 1; 1983, No. 719, § 1; A.S.A. 1947, § 41-2203; Acts 1987, No. 934, § 3; 1991, No. 712, § 1; 1995, No. 277, § 1; 1997, No. 516, § 1; 2001, No. 157, § 1; No. 1195, § 1; 2003, No. 838, § 1; 2005, No. 1442, § 1; 2007, No. 693, § 1; 2007, No. 827, § 39; 2009, No. 1295, § 2; 2011, No. 570, § 23; 2011, No. 1120, § 8; 2011, No. 1227, § 1.

### Section 5-36-104 - Theft of services

(a) A person commits theft of services if, with purpose to defraud:

(1) The person purposely obtains a service that he or she knows to be available only for compensation, by deception, threat, or other means to avoid payment for the service; or

(2) Having control over the disposition of a service to which he or she is not entitled, the person purposely diverts the service to his or her own benefit or to the benefit of another person not entitled to the service.

(b) In a circumstance in which payment is ordinarily made immediately upon the rendering of a service, absconding without payment or offer to pay gives rise to a presumption that the actor obtained the service with the purpose of avoiding payment.

(c) Theft of services is a:

(1) Class B felony if:

(A) The value of the service is twenty-five thousand dollars (\$25,000) or more;

(B) The service is obtained by the threat of serious physical injury to any person or destruction of the occupiable structure of another person;

(C) The service is obtained by threat, and the actor stands in a confidential or fiduciary relationship to the person threatened; or

(D) The theft of services involves a theft of a utility service that results in:

(i) Any contamination of a line, pipe, waterline, meter, or other utility property; or

(ii) A spill, dumping, or release of any hazardous material into the environment;

(2) Class C felony if:

(A) The value of the service is less than twenty-five thousand dollars (\$25,000) but more than five thousand dollars (\$5,000); or

(B) The service is obtained by threat;

(3) Class D felony if the value of the service is five thousand dollars (\$5,000) or less but more than one thousand dollars (\$1,000); or

(4) Class A misdemeanor if the theft of services:

(A) Involves a theft of a utility service that results in the destruction or damage to a line, pipe, waterline, meter, or any other property of the utility; or

(B) Is otherwise committed.

(d)

(1) In addition to any other fine that may be levied under § 5-4-201, any person found guilty of theft of services under this section is required to make full restitution to the utility from which the service was obtained if the theft of services involves the theft of a utility service such as a gas, electricity, water, telephone, or cable television service.

(2) For a prosecution brought under this subsection to enable the court to properly fix the amount of restitution, after appropriate investigation the prosecuting attorney shall recommend an amount that would make the utility whole with respect to:

(A) The value of the service received;

(B) The cost of repair of any damage to any:

- (i) Line;
  - (ii) Pipe;
  - (iii) Waterline;
  - (iv) Meter; or
  - (v) Other utility property; and
- (C) Any other measurable monetary damage directly related to the offense, including the expense of investigation.

(3) If the defendant disagrees with the recommendation of the prosecuting attorney, he or she is entitled to introduce evidence in mitigation of the amount recommended.

(4) The monetary judgment for restitution, as provided in this section, becomes a judgment against the offender and has the same force and effect as any other civil judgment recorded in this state.

Ark. Code § 5-36-104

Acts 1975, No. 280, § 2204; 1977, No. 360, § 9; 1983, No. 719, § 2; A.S.A. 1947, § 41-2204; Acts 1997, No. 518, § 1; 1999, No. 986, § 1; 2011, No. 570, § 24; 2011, No. 1120, § 15.

## Chapter 26 - OFFENSES INVOLVING THE FAMILY

### Section 5-26-204 - Unlawful solicitation for the relinquishment of parental rights

(a)

(1) A person commits the offense of unlawful solicitation for the relinquishment of parental rights in the first degree if in exchange for consenting to the person's or another person's placing a baby who is not yet born for adoption the person offers anything of value prohibited or not permitted under § 9-9-206 to the:

- (A) Biological mother of the baby who is not yet born;
- (B) Biological or putative father of the baby who is not yet born;
- (C) Spouse, partner, or other relative of the biological mother of the baby who is not yet born; or
- (D) Spouse, partner, or other relative of the biological or putative father of the baby who is not yet born.

(2) Unlawful solicitation for the relinquishment of parental rights in the first degree is a:

- (A) Class A felony if the person uses duress, coercion, undue influence, intimidation, a threat, fraud, or physical force to influence an individual listed in subdivisions (a)(1)(A)-(D) of this section to allow the person or another person to place the baby who is not yet born for adoption; or
- (B) Class C felony if otherwise committed.

(b)

(1) A person commits the offense of unlawful solicitation for the relinquishment of parental rights in the second degree if in exchange for consenting to the person's adopting a baby who is not yet born the person offers anything of value prohibited or not permitted under § 9-9-206 to the:

- (A) Biological mother of the baby who is not yet born;
- (B) Biological or putative father of the baby who is not yet born;
- (C) Spouse, partner, or other relative of the biological mother of the baby who is not yet born; or
- (D) Spouse, partner, or other relative of the biological or putative father of the baby who is not yet born.

(2) Unlawful solicitation for the relinquishment of parental rights in the second degree is a:

- (A) Class D felony if the person uses duress, coercion, undue influence, intimidation, a threat, fraud, or physical force to influence an individual listed in subdivisions (b)(1)(A)-(D) of this section to consent to the person's or another person's adopting the baby who is not yet born; or
- (B) Class A misdemeanor if otherwise committed.

Ark. Code § 5-26-204

Amended by Act 2019, No. 1022, § 2, eff. 7/24/2019.

## Subchapter 1 - ARKANSAS CRIMINAL GANG, ORGANIZATION, OR ENTERPRISE ACT

### Section 5-74-105 - Unauthorized use of another person's property to facilitate certain crimes

(a)

(1) A person commits the offense of unauthorized use of another person's property to facilitate a crime if he or she knowingly uses the property of another person to facilitate in any way the violation of a predicate criminal offense without the owner's knowledge.

(2) A violation of this section is a Class B felony.

(b) The State of Arkansas is the victim in any violation of this section.

Ark. Code § 5-74-105

Acts 1993, No. 1002, § 1.

## Subchapter 2 - VULNERABLE PERSON PROTECTION ACT

### Section 5-29-203 - Abuse of a vulnerable person

(a) A person commits abuse of a vulnerable person if, being a healthcare provider or caregiver, he or she purposely abuses a vulnerable person under his or her care or to whom he or she has access due to his or her position as a healthcare provider or caregiver.

(b) Abuse of a vulnerable person is a:

(1) Class B felony if the abuse causes serious physical injury or a substantial risk of death to the vulnerable person;

(2) Class D felony if the abuse causes physical injury to the vulnerable person; or

(3) Class B misdemeanor if otherwise committed.

(c) It is an affirmative defense to a prosecution under this section for the use of a physical restraint or chemical restraint if the physical restraint or chemical restraint was necessary for the immediate safety of the vulnerable person, another patient, or staff in the inpatient facility.

Ark. Code § 5-29-203

Added by Act 2023, No. 783, § 1, eff. 8/1/2023.

### Section 5-29-204 - Neglect of a vulnerable person

(a) A person commits neglect of a vulnerable person if, being a healthcare provider or caregiver, he or she purposely neglects a vulnerable person under his or her care or to whom he or she has access due to his or her position as a healthcare provider or caregiver.

(b) Neglect of a vulnerable person is a:

(1) Class D felony if the neglect causes serious physical injury or a substantial risk of death to the vulnerable person;

(2) Class B misdemeanor if the neglect causes physical injury to the vulnerable person; or

(3) Class C misdemeanor if otherwise committed.

Ark. Code § 5-29-204

Added by Act 2023, No. 783, § 1, eff. 8/1/2023.

### Section 5-29-205 - Exploitation of a vulnerable person

(a) A person commits exploitation of a vulnerable person if, being a healthcare provider or caregiver, he or she exploits a vulnerable person under his or her care or to whom he or she has access due to his or her position as a healthcare provider or caregiver.

(b) Exploitation of a vulnerable person is a:

(1) Class B felony if the value of the exploited assets is two thousand five hundred dollars (\$2,500) or more;

(2) Class C felony if the value of the exploited assets is more than two hundred dollars (\$200) but less than two thousand five hundred dollars (\$2,500); or

(3) Class A misdemeanor if the value of the exploited assets is two hundred dollars (\$200) or less.

Ark. Code § 5-29-205

Added by Act 2023, No. 783, § 1, eff. 8/1/2023.

## Arkansas Code of 1987

### Section 5-28-103 - Criminal penalties for abuse of an endangered or impaired person

(a) It is unlawful for any person or caregiver to abuse, neglect, or exploit any endangered person or impaired person subject to protection under a provision of this chapter.

(b)

(1) If the abuse causes serious physical injury or a substantial risk of death, any person or caregiver who purposely abuses an endangered person or an impaired person is guilty of a Class B felony.

(2) If the abuse causes physical injury, any person or caregiver who purposely abuses an adult endangered person or an adult impaired person in violation of a provision of this chapter is guilty of a Class D felony.

(3) Any person or caregiver who abuses an adult endangered person or an adult impaired person is guilty of a Class B misdemeanor.

(c)

(1) Any person or caregiver who neglects an adult endangered person or an adult impaired person in violation of a provision of this chapter, causing serious physical injury or substantial risk of death, is guilty of a Class D felony.

(2) Any person or caregiver who neglects an adult endangered person or an adult impaired person in violation of a provision of this chapter, causing physical injury, is guilty of a Class B misdemeanor.

(3) Any person or caregiver who purposely neglects an adult endangered person or an adult impaired person without causing physical injury is guilty of a Class C misdemeanor.

(d) Any person or caregiver who exploits a person in violation of a provision of this chapter when the value of the property, asset, or resource is:

(1) Two thousand five hundred dollars (\$2,500) or more, is guilty of a Class B felony;

(2) Less than two thousand five hundred dollars (\$2,500) but more than two hundred dollars (\$200), is guilty of a Class C felony; and

(3) Two hundred dollars (\$200) or less, is guilty of a Class A misdemeanor.

Ark. Code § 5-28-103

Amended by Act 2019, No. 916, § 1, eff. 7/24/2019.

Acts 1983, No. 452, § 3; A.S.A. 1947, § 59-1303; Acts 1993, No. 1292, § 2; 1995, No. 1338, § 2; 2005, No. 1810, § 2; 2005, No. 1994, § 297.

5–13–101 to § 5–13–310 - Assault and Battery crimes