

Ark. Code Ann. § 5-14-103. Rape

(a) A person commits rape if he or she engages in sexual intercourse or deviate sexual activity with another person:

- (1) By forcible compulsion;
- (2) Who is incapable of consent because he or she is:
 - (A) Physically helpless;
 - (B) Mentally defective; or
 - (C) Mentally incapacitated;
- (3)
 - (A) Who is less than fourteen (14) years of age.
 - (B) It is an affirmative defense to a prosecution under subdivision (a) (3) (A) of this section that the actor was not more than three (3) years older than the victim;
or
- (4)
 - (A) Who is less than eighteen (18) years of age and the actor is the victim's:
 - (i) Guardian;
 - (ii) Uncle, aunt, grandparent, step-grandparent, or grandparent by adoption;
 - (iii) Brother or sister of the whole or half blood or by adoption; or
 - (iv) Nephew, niece, or first cousin.
 - (B) It is an affirmative defense to a prosecution under subdivision (a) (4) (A) of this section that the actor was not more than three (3) years older than the victim.

(b) It is no defense to a prosecution under subdivisions (a) (3) or (4) of this section that the victim consented to the conduct.

(c) Rape is a Class Y felony.

(d)

- (1) A court may issue a permanent no contact order when:
 - (A) A defendant pleads guilty or nolo contendere; or
 - (B) All of the defendant's appeals have been exhausted and the defendant remains convicted.
- (2) If a judicial officer has reason to believe that mental disease or defect of the defendant will or has become an issue in the case, the judicial officer shall enter such orders as are consistent with § 5-2-305.