

Ark. Code Ann. §5-14-125. Sexual assault in the second degree

- (a) A person commits sexual assault in the second degree if the person:
- (1) Engages in sexual contact with another person by forcible compulsion;
 - (2) Engages in sexual contact with another person who is incapable of consent because he or she is:
 - (A) Physically helpless;
 - (B) Mentally defective; or
 - (C) Mentally incapacitated;
 - (3) Being eighteen (18) years of age or older, engages in sexual contact with another person who is:
 - (A) Less than fourteen (14) years of age; and
 - (B) Not the person's spouse;
 - (4)
 - (A) Engages in sexual contact with another person who is less than eighteen (18) years of age and the actor is:
 - (i) Employed with the Department of Correction, Department of Community Correction, any city or county jail, or any juvenile detention facility, and the minor is in custody at a facility operated by the agency or contractor employing the actor;
 - (ii) A professional under § 12-12-507(b) and is in a position of trust or authority over the minor; or
 - (iii) The minor's guardian, an employee in the minor's school or school district, a temporary caretaker, or a person in a position of trust or authority over the minor.
 - (B) For purposes of subdivision (a)(4)(A) of this section, consent of the minor is not a defense to a prosecution;
 - (5)
 - (A) Being less than eighteen (18) years of age, engages in sexual contact with another person who is:
 - (i) Less than fourteen (14) years of age; and
 - (ii) Not the person's spouse.
 - (B) It is an affirmative defense to a prosecution under this subdivision (a)(5) that the actor was not more than:
 - (i) Three (3) years older than the victim if the victim is less than twelve (12) years of age; or
 - (ii) Four (4) years older than the victim if the victim is twelve (12) years of age or older; or
 - (6) Is a teacher in a public school in a grade kindergarten through twelve (K-12) and engages in sexual contact with another person who is:
 - (A) A student enrolled in the public school; and

(B) Less than twenty-one (21) years of age.

(b)

(1) Sexual assault in the second degree is a Class B felony.

(2) Sexual assault in the second degree is a Class D felony if committed by a person less than eighteen (18) years of age with another person who is:

(A) Less than fourteen (14) years of age; and

(B) Not the person's spouse.