

Ark. Code Ann. § 5-14-126. Sexual assault in the third degree

- (a) A person commits sexual assault in the third degree if the person:
 - (1) Engages in sexual intercourse or deviate sexual activity with another person who is not the actor's spouse, and the actor is:
 - (A) Employed with the Department of Correction, Department of Community Correction, Department of Health and Human Services, or any city or county jail, and the victim is in the custody of the Department of Correction, Department of Community Correction, Department of Health and Human Services, or any city or county jail; or
 - (B) A professional under § 12-12-507(b) or a member of the clergy and is in a position of trust or authority over the victim and uses the position of trust or authority to engage in sexual intercourse or deviate sexual activity; or
 - (2)
 - (A) Being under eighteen (18) years of age, engages in sexual intercourse or deviate sexual activity 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 under this subdivision (a)(2) that the actor was not more than three (3) years older than the victim.
- (b) It is no defense to a prosecution under this section that the victim consented to the conduct.
- (c) Sexual assault in the third degree is a Class C felony.