

Arkansas



The letter grades reflect Polaris' evaluation of existing laws designed to provide survivors of human trafficking with a realistic pathway to clear their criminal records. For more information on the criteria graded, please read [here](#) and examples of model legislation for each criteria can be found [here](#). If you have any questions or issues, please contact policy@polarisproject.org.

GOOD FOR SURVIVORS:

Trafficking Nexus:

The nexus or connection to trafficking the survivor must show in Arkansas is currently "as a result" of trafficking. This is less restrictive than other states and allows more survivors to access relief.

Time Limitations and Wait Times:

Arkansas has no time limit, restriction, or wait time for survivors to clear their criminal records.

Official Documentation Creates Presumption of Victim Status:

Official documentation is not required for criminal record relief; however, if a survivor provides official documentation, the presumption of victimization prevents them from sharing their experience repeatedly in different settings, which is emotionally challenging and can re-traumatize the survivor. Arkansas's statute includes this provision and is beneficial for survivors.

NEEDS IMPROVEMENT:

Offenses Covered:

The narrow scope of offenses currently covered by the criminal record relief statute in Arkansas is inadequate because relief only applies to prostitution-related offenses - yet the range of offenses for which survivors are arrested and prosecuted is much broader. Ideally, legislators in Arkansas would expand the statute to include all offenses so more survivors are eligible for relief.

Procedural Confidentiality:

The statute in Arkansas is silent on the confidentiality of the petition for relief or records of the proceeding. Applying for record relief under these statutes can indicate a survivor's status as a trafficking victim and give information on their location, trafficking experience, and other sensitive details. Survivors should not have to choose between the safety risk of their victimization being exposed and applying for and accessing criminal record relief. Ideally, there should be an automatic process with clear confidentiality provisions in the statute to protect survivors applying for record relief.

Arrests and Adjudication Relief:

Relief in Arkansas only applies to convictions, adjudications, and other declarations of guilt. Ideally, the statute should cover the full range of interactions a survivor has with the criminal justice system, including any records of arrest, incident reports, and non-prosecuted cases.



Statute: [Ark. Code Ann. § 16-90-1412](#)