

Stricken language would be deleted from and underlined language would be added to present law.
Act 916 of the Regular Session

State of Arkansas
91st General Assembly
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As Engrossed: S3/21/17
A Bill

HOUSE BILL 1540

By: Representative Shepherd

By: Senator J. Hutchinson

For An Act To Be Entitled

AN ACT CONCERNING THE REGISTRATION OF CONVICTED SEX
OFFENDERS ON THE ARKANSAS SEX OFFENDER REGISTRY;
CONCERNING REQUIRED INFORMATION ON THE ARKANSAS SEX
OFFENDER REGISTRY; CONCERNING IN-PERSON REPORTING;
AND FOR OTHER PURPOSES.

Subtitle

CONCERNING THE REGISTRATION OF CONVICTED
SEX OFFENDERS ON THE ARKANSAS SEX
OFFENDER REGISTRY; CONCERNING REQUIRED
INFORMATION ON THE ARKANSAS SEX OFFENDER
REGISTRY; AND CONCERNING IN-PERSON
REPORTING.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

SECTION 1. Arkansas Code § 12-12-903 is amended to add new definitions
to read as follows:

(16)(A) "Social media account" means a personal account with an
electronic medium or service in which a user may create, share, or access
user-generated content, including without limitation:

- (i) A video;
- (ii) A photograph;
- (iii) A blog post;
- (iv) A podcast;
- (v) A transmission or message; or



(vi) An email.

(B) "Social media account" includes without limitation an account established with:

(i) Facebook;

(ii) Twitter;

(iii) LinkedIn;

(iv) MySpace;

(v) Instagram;

(vi) SnapChat;

(vii) YouTube; or

(viii) Any other similar format, program, application, or Internet service; and

(17) "Social media account information" means information concerning a social media account, including without limitation:

(A) A screen name;

(B) A user identification; or

(C) A user name.

SECTION 2. Arkansas Code § 12-12-904 is amended to read as follows:

12-12-904. Failure to comply with registration and reporting requirements – Refusal to cooperate with assessment process.

(a)(1)(A) A person is guilty of a Class C felony who:

(i) Fails to register or verify registration as required under this subchapter;

(ii) Fails to report in person a change of address, employment, education, or training as required under this subchapter;

(iii) Refuses to cooperate with the assessment process as required under this subchapter; or

(iv) Files false paperwork or documentation regarding verification, change of information, or petitions to be removed from the registry.

(B)(i) Upon conviction, a sex offender who fails or refuses to provide any information necessary to update his or her registration file as required by § 12-12-906(b)(2) is guilty of a Class C felony.

(ii) If a sex offender fails or refuses to provide

any information necessary to update his or her registration file as required by § 12-12-906(b)(2), as soon as administratively feasible the Department of Correction, the Department of Community Correction, the Arkansas State Hospital, or the Department of Human Services shall contact the local law enforcement agency having jurisdiction to report the violation of subdivision (a)(1)(B)(i) of this section.

(2) It is an affirmative defense to prosecution if the person:

(A) Delayed reporting a change in address because of:

(i) An eviction;

(ii) A natural disaster; or

(iii) Any other unforeseen circumstance; and

(B) Provided the new address to the local law enforcement agency having jurisdiction ~~in writing~~ in person no later than five (5) business days after the person establishes residency.

(b) Any agency or official subject to reporting requirements under this subchapter that knowingly fails to comply with the reporting requirements under this subchapter is guilty of a Class B misdemeanor.

SECTION 3. Arkansas Code § 12-12-906 is amended to read as follows:

12-12-906. Duty to register or verify registration generally – Review of requirements with offenders.

(a)(1)(A)(i) At the time of adjudication of guilt, the sentencing court shall enter on the judgment and commitment or judgment and disposition form that the offender is required to register as a sex offender and shall indicate whether the:

(a) Offense is an aggravated sex offense;

(b) Sex offender has been adjudicated guilty of a prior sex offense under a separate case number; or

(c) Sex offender has been classified as a sexually dangerous person.

(ii) If the sentencing court finds the offender is required to register as a sex offender, then at the time of adjudication of guilt the sentencing court shall require the sex offender to complete the sex offender registration form prepared by the Director of the Arkansas Crime Information Center pursuant to § 12-12-908 and shall forward the completed sex offender registration form to the Arkansas Crime Information Center.

(B)(i) The Department of Correction shall ensure that a sex offender received for incarceration has completed the sex offender registration form.

(ii) If the Department of Correction cannot confirm that the sex offender has completed the sex offender registration form, the Department of Correction shall require the sex offender to complete the sex offender registration form upon intake, release, or discharge.

(C)(i) The Department of Community Correction shall ensure that a sex offender placed on probation or another form of community supervision has completed the sex offender registration form.

(ii) If the Department of Community Correction cannot confirm that the sex offender has completed the sex offender registration form, the Department of Community Correction shall require the sex offender to complete the sex offender registration form upon intake, release, or discharge.

(D)(i) The Arkansas State Hospital shall ensure that the sex offender registration form has been completed for any sex offender found not guilty by reason of insanity and shall arrange an evaluation by Community Notification Assessment.

(ii) If the Arkansas State Hospital cannot confirm that the sex offender has completed the sex offender registration form, the Arkansas State Hospital shall ensure that the sex offender registration form is completed for the sex offender upon intake, release, or discharge.

(2)(A) A sex offender who moves to or returns to this state from another jurisdiction and who would be required to register as a sex offender in the jurisdiction in which he or she was adjudicated guilty or delinquent of a sex offense shall register with the local law enforcement agency having jurisdiction in person within seven (7) calendar days after the sex offender moves to a municipality or county of this state.

(B)(i) Any person living in this state who would be required to register as a sex offender in the jurisdiction in which he or she was adjudicated guilty or delinquent of a sex offense shall register as a sex offender in this state whether living, working, or attending school or other training in Arkansas.

(ii) A nonresident worker or student who enters the state shall register in compliance with the Adam Walsh Child Protection and

Safety Act of 2006, Pub. L. No. 109-248, as it existed on January 1, 2007.

(C) A sex offender sentenced and required to register outside of Arkansas shall:

(i)(a) Submit to assessment by Community Notification Assessment if he or she is at least eighteen (18) years of age at the time he or she enters this state to live, work, or attend school.

(b) If he or she is under the age of eighteen (18) at the time he or she enters this state to live, work, or attend school, he or she shall submit to assessment by the University of Arkansas for Medical Sciences Family Treatment Program or other agency or entity authorized to conduct juvenile sex offender assessments;

(ii) Provide a deoxyribonucleic acid (DNA) sample if a sample is not already accessible to the State Crime Laboratory; and

(iii)(a) Pay the mandatory fee of two hundred fifty dollars (\$250) to be deposited into the DNA Detection Fund established by § 12-12-1119 within ninety (90) days from the date of registration.

(b) Failure to pay the fee required under subdivision (a)(2)(C)(iii)(a) of this section is a Class A misdemeanor.

(b)(1) The registration file of a sex offender who is confined in a correctional facility or serving a commitment following acquittal on the grounds of mental disease or defect shall be inactive until the registration file is updated by the department responsible for supervision of the sex offender.

(2) Immediately prior to the release or discharge of a sex offender or immediately following a sex offender's escape or his or her absconding from supervision, the Department of Correction, the Department of Community Correction, the Arkansas State Hospital, or the Department of Human Services shall update the registration file of the sex offender who is to be released or discharged or who has escaped or has absconded from supervision.

(c)(1)(A) When registering a sex offender as provided in subsection (a) of this section, the sentencing court, the Department of Correction, the Department of Community Correction, the Arkansas State Hospital, the Department of Human Services, or the local law enforcement agency having jurisdiction shall:

(i) Inform the sex offender of the duty to submit to assessment and to register and obtain the information required for

registration as described in § 12-12-908;

(ii) Inform the sex offender that if the sex offender changes residency within the state, the sex offender shall give the new address and place of employment, education, higher education, or training to the ~~Arkansas Crime Information Center~~ center in writing no later than ten (10) days before the sex offender establishes residency or is temporarily domiciled at the new address;

(iii)(a) Inform the sex offender that if the sex offender changes residency to another state or enters another state to work or attend school, the sex offender must also register in that state regardless of permanent residency.

(b) The sex offender shall register the new address and place of employment, education, higher education, or training with the center and with a designated law enforcement agency in the new state in person not later than three (3) business days after the sex offender establishes residence or is temporarily domiciled in the new state;

(iv) Obtain fingerprints, palm prints, and a photograph of the sex offender if these have not already been obtained in connection with the offense that triggered registration;

(v) Obtain a deoxyribonucleic acid (DNA) sample if one has not already been provided;

(vi) Require the sex offender to complete the entire registration process, including, but not limited to, requiring the sex offender to read and sign a form stating that the duty of the sex offender to register under this subchapter has been explained;

(vii) Inform the sex offender that if the sex offender's address changes within the state or to another state due to an eviction, natural disaster, or any other unforeseen circumstance, the sex offender shall give the new address to the local law enforcement agency having jurisdiction ~~in writing~~ in person no later than three (3) business days after the sex offender establishes residency;

(viii) Inform a sex offender who has been granted probation that failure to comply with the provisions of this subchapter may be grounds for revocation of the sex offender's probation; and

(ix) Inform a sex offender subject to lifetime registration under § 12-12-919 of the duty to:

(a) Verify registration and obtain the information required for registration verification as described in subsections (g) and (h) of this section; and

(b) Ensure that the information required for reregistration verification under subsections (g) and (h) of this section is provided to the local law enforcement agency having jurisdiction.

(B)(i) Any offender required to register as a sex offender must provide a deoxyribonucleic acid (DNA) sample, that is, a blood sample or saliva sample, upon registering if a sample has not already been provided to the State Crime Laboratory.

(ii) Any offender required to register as a sex offender who is entering the State of Arkansas must provide a deoxyribonucleic acid (DNA) sample, that is, a blood sample or saliva sample, upon registration and must pay the mandatory fee of two hundred fifty dollars (\$250) to be deposited into the DNA Detection Fund established by § 12-12-1119.

(2) When updating the registration file of a sex offender, the Department of Correction, the Department of Community Correction, the Arkansas State Hospital, or the Department of Human Services shall:

(A) Review with the sex offender the duty to register and obtain current information required for registration as described in § 12-12-908;

(B) Review with the sex offender the requirement that if the sex offender changes address within the state, the sex offender shall give the new address to the local law enforcement agency having jurisdiction ~~in writing~~ in person no later than ten (10) days before the sex offender establishes residency or is temporarily domiciled at the new address;

(C) Review with the sex offender the requirement that if the sex offender changes address to another state, the sex offender shall register the new address with the local law enforcement agency having jurisdiction in person and with a designated law enforcement agency in the new state in person not later than three (3) business days after the sex offender establishes residence or is temporarily domiciled in the new state if the new state has a registration requirement;

(D) Require the sex offender to read and sign a form stating that the duty of the sex offender to register under this subchapter

has been reviewed;

(E) Inform the sex offender that if the sex offender's address changes within the state or to another state due to an eviction, natural disaster, or any other unforeseen circumstance, the sex offender shall give the new address to the local law enforcement agency having jurisdiction ~~in writing~~ in person no later than three (3) business days after the sex offender establishes residency;

(F) Review with the sex offender the consequences of failure to provide any information required by subdivision (b)(2) of this section;

(G) Inform a sex offender subject to lifetime registration under § 12-12-919 of the duty to:

(i) Verify registration and report the information required for registration verification as described in subsections (g) and (h) of this section; and

(ii) Ensure that the information required for registration verification under subsections (g) and (h) of this section is provided in person to the local law enforcement agency having jurisdiction; and

(H) Review with a sex offender subject to lifetime registration under § 12-12-919 the consequences of failure to verify registration under § 12-12-904.

(d) When registering or updating the registration file of a sexually dangerous person, in addition to the requirements of subdivision (c)(1) or subdivision (c)(2) of this section, the sentencing court, the Department of Correction, the Department of Community Correction, the Arkansas State Hospital, the Department of Human Services, or the local law enforcement agency having jurisdiction shall obtain documentation of any treatment received for the mental abnormality or personality disorder of the sexually dangerous person.

(e) Any sex offender working, enrolled, or volunteering in a public or private elementary, secondary or postsecondary school, or institution of training shall notify the local law enforcement agency having jurisdiction in person of that status and shall register in person with the local law enforcement agency having jurisdiction over that campus.

(f)(1) An offender required to register under this subchapter shall

not change his or her name unless the change is:

(A) Incident to a change in the marital status of the sex offender; or

(B) Necessary to effect the exercise of the religion of the sex offender.

(2) The change in the sex offender's name shall be reported to the local law enforcement agency having jurisdiction in person within ten (10) calendar days after the change in name.

(3) A violation of this subsection is a Class C felony.

(g)(1) Except as provided in subsection (h) of this section, a sex offender subject to lifetime registration under § 12-12-919 shall report in person every six (6) months after registration to the local law enforcement agency having jurisdiction to verify registration.

(2)(A) The local law enforcement agency having jurisdiction may determine the appropriate times and days for in-person reporting by the sex offender, and the determination shall be consistent with the reporting requirements of subdivision (g)(1) of this section.

(B)(i) If the day a sex offender is scheduled to report under this section passes before the day a local law enforcement agency having jurisdiction has determined as appropriate, the sex offender shall not be considered out of compliance if he or she reports at the next date set by the local law enforcement agency.

(ii) If a local law enforcement agency sets specific times and days for reporting then the local law enforcement agency shall have the appropriate staff available at those times and days for a sex offender to report under this section.

(3) Registration verification shall include reporting in person any change to the following information concerning the sex offender:

- (A) Name;
- (B) Social Security number;
- (C) Age;
- (D) Race;
- (E) Gender;
- (F) Date of birth;
- (G) Height;
- (H) Weight;

(I) Hair and eye color;

(J)(i) Address of any permanent residence and address of any current temporary residence within this state or out of this state, including a rural route address and a post office box.

(ii) A post office box shall not be provided in lieu of a physical residential address;

(K) Date and place of any employment or volunteer work;

(L) Vehicle make, model, color, and license tag number that the sex offender owns, operates, or to which he or she has access;

(M)(i) Fingerprints.

(ii) If the local law enforcement agency having jurisdiction cannot confirm that the sex offender's fingerprints are contained in the automated fingerprint identification system, the local law enforcement agency having jurisdiction shall:

(a) Take the sex offender's fingerprints in person at an office of the law enforcement agency having jurisdiction; and

(b) Submit the fingerprints to the center and to the Department of Arkansas State Police.

(iii) If the local law enforcement agency having jurisdiction cannot confirm that the sex offender's palm prints are contained in the automated palm print identification system, the local law enforcement agency having jurisdiction shall:

(a) Take the sex offender's palm prints in person at an office of the law enforcement agency having jurisdiction; and

(b) Submit the palm prints to the center and to the Department of Arkansas State Police;

(N)(i) Photograph.

(ii) The local law enforcement agency having jurisdiction shall take a photograph of the sex offender at each registration verification in person at an office of the law enforcement agency having jurisdiction and submit the photograph to the center;

(O) All computers or other devices with Internet capability to which the sex offender has access;

(P) All email addresses used by the sex offender;

~~(Q) All user names, screen names, or instant message names that are used by the sex offender to communicate in real time with another~~

~~person using the Internet;~~

~~(R)-(i)-(Q)(i)~~ Passport.

(ii) The local law enforcement agency having jurisdiction shall obtain a copy of any passport issued to the person by any country in the sex offender's name in person at an office of the law enforcement agency having jurisdiction at each registration verification and submit the copy of any passport to the center;

~~(S)-(i)-(R)(i)~~ Immigration documentation.

(ii) The local law enforcement agency having jurisdiction shall obtain a copy of any immigration documents issued to the sex offender by any country in person at an office of the law enforcement agency having jurisdiction at each registration verification and submit a copy of the documents to the center; ~~and~~

~~(T)-(i)-(S)(i)~~ Professional licenses and permits.

(ii) The local law enforcement agency having jurisdiction shall obtain a copy of any federal, state, or local professional license or permit issued to the sex offender in person at an office of the law enforcement agency having jurisdiction at each registration verification and submit a copy of the documents to the center; ~~and~~

~~(T)~~ All social media account information.

(4) If the sex offender is enrolled or employed at an institution of higher education in this state, the sex offender shall also report in person to the local law enforcement agency having jurisdiction:

(A) The name and address of each institution of higher education where he or she is enrolled or employed, including each campus attended;

(B) The county where each campus is located; and

(C) His or her enrollment or employment status.

(5) If the place of residence of the sex offender is a motor vehicle, trailer, mobile home, modular home, or manufactured home, the sex offender shall report in person the following information concerning the motor vehicle, trailer, mobile home, modular home, or manufactured home:

(A) Vehicle identification number;

(B) License tag number;

(C) Registration number; and

(D) A description, including color scheme.

(6) If the place of residence of the sex offender is a vessel, live-aboard vessel, or houseboat, the sex offender shall report in person the following information concerning the vessel, live-aboard vessel, or houseboat:

- (A) Hull identification number;
- (B) Manufacturer's serial number;
- (C) Name;
- (D) Registration number; and
- (E) A description, including color scheme.

(7) If a person who is required to register as a sex offender owns an aircraft, the person shall ~~provide~~ in person the following information concerning the aircraft:

- (A) The aircraft registration number;
- (B) The manufacturer and model of the aircraft; and
- (C) A description of the color scheme of the aircraft.

(h)(1) A sexually dangerous person subject to lifetime registration under § 12-12-919 shall report in person every ninety (90) days after registration to the local law enforcement agency having jurisdiction to verify registration.

(2)(A) The local law enforcement agency having jurisdiction may determine the appropriate times and days for in person reporting by the sexually dangerous person, and the determination shall be consistent with the reporting requirements of subdivision (h)(1) of this section.

(B)(i) If the day a sex offender is scheduled to report under this section passes before the day a local law enforcement agency having jurisdiction has determined as appropriate, the sex offender shall not be considered out of compliance if he or she reports at the next date set by the local law enforcement agency.

(ii) If a local law enforcement agency sets specific times and days for reporting then the local law enforcement agency shall have the appropriate staff available at those times and days for a sex offender to report under this section.

(3) Registration verification shall include reporting in person any change to the following information concerning the sexually dangerous person:

- (A) Name;

(B) Social Security number;

(C) Age;

(D) Race;

(E) Gender;

(F) Date of birth;

(G) Height;

(H) Weight;

(I) Hair and eye color;

(J)(i) Address of any permanent residence and address of any current temporary residence within this state or out of this state, including a rural route address and a post office box.

(ii) A post office box shall not be provided in lieu of a physical residential address;

(K) Date and place of any employment or volunteer work;

(L) Vehicle make, model, color, and license tag number that the sexually dangerous person owns, operates, or to which he or she has access;

(M)(i) Fingerprints.

(ii) If the local law enforcement agency having jurisdiction cannot confirm that the sexually dangerous person's fingerprints are contained in the automated fingerprint identification system, the local law enforcement agency having jurisdiction shall:

(a) Take the sexually dangerous person's fingerprints in person at an office of the law enforcement agency; and

(b) Submit the fingerprints to the center and to the Department of Arkansas State Police.

(iii) If the local law enforcement agency having jurisdiction cannot confirm that the sexually dangerous person's palm prints are contained in the automated palm print identification system, the local law enforcement agency having jurisdiction shall:

(a) Take the sexually dangerous person's palm prints in person at an office of the law enforcement agency; and

(b) Submit the palm prints to the center and to the Department of Arkansas State Police;

(N)(i) Photograph.

(ii) The local law enforcement agency having

jurisdiction shall take a photograph of the sexually dangerous person at each registration verification in person at an office of the law enforcement agency and submit the photograph to the center;

(O) All computers or other devices with Internet capability to which the sex offender has access;

(P) All email addresses used by the sex offender;

~~(Q) All user names, screen names, or instant message names that are used by the sex offender to communicate in real time with another person using the Internet;~~

~~(R)(i)(Q)(1)~~ Passport.

(ii) The local law enforcement agency having jurisdiction shall obtain a copy of any passport issued to the sexually dangerous person by any country in the sexually dangerous person's name in person at an office of the law enforcement agency at each registration verification and submit the copy of any passport to the center;

~~(S)(i)(R)(i)~~ Immigration documentation.

(ii) The local law enforcement agency having jurisdiction shall obtain a copy of any immigration documents issued to the sexually dangerous person by any country in person at an office of the law enforcement agency at each registration verification and submit a copy of the documents to the center; ~~and~~

~~(T)(i)(S)(i)~~ Professional licenses and permits.

(ii) The local law enforcement agency having jurisdiction shall obtain a copy of any federal, state, or local professional license or permit issued to the sexually dangerous person in person at an office of the law enforcement agency at each registration verification and submit a copy of the documents to the center; ~~and~~

(T) All social media account information.

(4) If the sexually dangerous person is enrolled or employed at an institution of higher education in this state, the sexually dangerous person shall also report in person to the local law enforcement agency having jurisdiction:

(A) The name and address of each institution of higher education where he or she is enrolled or employed, including each campus attended;

(B) The county where each campus is located; and

(C) His or her enrollment or employment status.

(5) If the place of residence of the sexually dangerous person is a motor vehicle, trailer, mobile home, modular home, or manufactured home, the sexually dangerous person shall report in person the following information concerning the motor vehicle, trailer, mobile home, modular home, or manufactured home:

- (A) Vehicle identification number;
- (B) License tag number;
- (C) Registration number; and
- (D) A description, including color scheme.

(6) If the place of residence of the sexually dangerous person is a vessel, live-aboard vessel, or houseboat, the sexually dangerous person shall report in person the following information concerning the vessel, live-aboard vessel, or houseboat:

- (A) Hull identification number;
- (B) Manufacturer's serial number;
- (C) Name;
- (D) Registration number; and
- (E) A description, including color scheme.

(7) If a sexually dangerous person who is required to register as a sexually dangerous person owns an aircraft, the sexually dangerous person shall ~~provide~~ report in person the following information concerning the aircraft:

- (A) The aircraft registration number;
- (B) The manufacturer and model of the aircraft; and
- (C) A description of the color scheme of the aircraft.

(i) After verifying the registration of a sex offender under subsection (g) of this section or a sexually dangerous person under subsection (h) of this section, the local law enforcement agency having jurisdiction shall file the verification with the center in accordance with § 12-12-909.

SECTION 4. Arkansas Code § 12-12-907(b)(1), concerning a sex offender reporting after release from incarceration, is amended to read as follows:

(b)(1)(A) No later than ten (10) days after release from incarceration or after the date of sentencing, a sex offender shall report in person to the

local law enforcement agency having jurisdiction and update the information in the registration file.

(B) If the sex offender is not already registered, the local law enforcement agency having jurisdiction shall register the sex offender in accordance with this subchapter.

SECTION 5. Arkansas Code § 12-12-908(b)(20) through (22), concerning the information contained in a sex offender's registration file, are amended to read as follows:

(20) All email addresses used by the sex offender;

~~(21) All user names, screen names, or instant message names that are used by the sex offender to communicate in real time with another person using the Internet; and~~

~~(22)~~(21) Any other information that the center deems necessary, including without limitation:

(A) Criminal and corrections records;

(B) Nonprivileged personnel records;

(C) Treatment and abuse registry records; and

(D) Evidentiary genetic markers; and

(22) All social media account information.

SECTION 6. Arkansas Code § 12-12-909 is amended to read as follows:

12-12-909. Verification form – Change of address.

(a)(1) A ~~person~~ sex offender required to register ~~as a sex offender under this subchapter~~ shall verify registration in person every six (6) months after the ~~person's~~ sex offender's initial registration date during the period of time in which the ~~person~~ sex offender is required to register.

(2)(A)(i) The verification shall be done in person at a local law enforcement agency having jurisdiction at which time the ~~person~~ sex offender shall sign and date a Sex Offender Acknowledgment Form ~~in which~~ and a law enforcement officer shall also witness and sign the Sex Offender Acknowledgment Form.

(ii) The Sex Offender Acknowledgment Form shall state the date of verification as well as a date ~~certain~~ that the ~~person~~ sex offender is required to return in person to a specific local law enforcement agency having jurisdiction to verify his or her address.

(B) The Sex Offender Acknowledgement Form shall be uniform and created by the Arkansas Crime Information Center.

(C) The local law enforcement agency having jurisdiction shall file the verification of registration electronically with the center.

(3) If the ~~person~~ sex offender lives in a jurisdiction that does not have a local law enforcement agency having jurisdiction that is able to electronically file the verification, the verification shall be done by certified mail in the following manner:

(A) The center shall mail a nonforwardable verification form to the last reported address of the ~~person~~ sex offender by certified mail;

(B)(i) The ~~person~~ sex offender shall return the verification form in person to the local law enforcement agency having jurisdiction within ten (10) days after receipt of the verification form.

(ii) Within three (3) days after receipt of the verification form, the local law enforcement agency having jurisdiction shall forward the verification form to the center;

(C) The verification form shall be signed by the ~~person~~ sex offender and state that the ~~person~~ sex offender still resides at the address last reported to the center; and

(D) If the ~~person~~ sex offender fails to return the verification form to the local law enforcement agency having jurisdiction in person within ten (10) days after receipt of the verification form, the ~~person~~ sex offender is in violation of this subchapter.

(4) If the ~~person~~ sex offender changes his or her address without notice or fails to return the verification form if he or she is allowed to do so by mail, notification shall be sent to law enforcement and supervising parole or probation authorities, and notice may be posted on the Internet until proper reporting is again established or the ~~person~~ sex offender is incarcerated.

(5) Subdivision (a)(1) of this section applies to a ~~person~~ sex offender required to register as a sexually dangerous person, except that the sexually dangerous person shall verify the registration in person every ninety (90) days after the date of the initial release or commencement of parole.

(6) Subdivision (a)(1) of this section applies to a ~~person~~ sex

offender required to register ~~as a sex offender~~ under this subchapter who claims to be homeless except that ~~a person required to register as a sex offender~~ claiming to be homeless shall verify the registration in person every thirty (30) days during the period of time in which the ~~person~~ sex offender is required to register ~~as a sex offender~~ under this subchapter and claims to be homeless.

(b)(1)(A) Before a change of address within the state, a sex offender shall report the change of address to the local law enforcement agency having jurisdiction in person no later than ten (10) days before the sex offender establishes residency or is temporarily domiciled at the new address.

(B) The sex offender shall report to the local law enforcement agency having jurisdiction of the new address in person within three (3) days after relocating to the new address.

(C) Upon receipt of a report of a change of address as described in subdivision (b)(1)(A) of this section, the local law enforcement agency having jurisdiction shall report the change of address to the center.

(D) Other than a change of address as provided in subdivision (b)(1)(A) of this section, a sex offender shall report a change of any other information required to be reported at registration under § 12-12-908 or required to be reported at the time of verification under § 12-12-906 to the local law enforcement agency having jurisdiction in person within ten (10) days of the change.

(2) When a change of address within the state is reported to the center, the center shall immediately report the change of address to the local law enforcement agency having jurisdiction where the sex offender expects to reside.

(c)(1) Before a change of address to another state, a sex offender shall register the new address with the local law enforcement agency having jurisdiction in person and with a designated law enforcement agency in the state to which the sex offender moves in person not later than ten (10) days before the sex offender establishes residence or is temporarily domiciled in the new state if the new state has a registration requirement.

(2) When a change of address to another state is reported to the center, the center shall immediately notify the law enforcement agency with which the sex offender must register in the new state if the new state has a registration requirement.

(d) The center shall require a sex offender to report any change of information through the local law enforcement agency having jurisdiction.

SECTION 7. Arkansas Code § 12-12-912 is amended to read as follows:
12-12-912. Arrests for violations.

(a) In order for a sex offender to be charged with the commission of a violation of this subchapter so that an arrest warrant may be issued, the local law enforcement agency having jurisdiction shall notify the prosecutor when the local law enforcement agency having jurisdiction has reasonable grounds for believing that a sex offender is not registered, has not reported a change of address or change of any other information required to be provided by the sex offender, or has not verified the sex offender's address in violation of this subchapter.

(b) The address of a sex offender as listed in the sex offender's registration file shall determine which local law enforcement agency has jurisdiction.

(c) A law enforcement officer shall arrest a sex offender when a warrant has been issued for the sex offender's arrest, the law enforcement officer has probable cause to believe that a sex offender has committed an offense under this subchapter, or the law enforcement officer has reasonable grounds for believing that a sex offender is not registered or has not reported a change of address or change of any other information required to be provided by the sex offender in violation of this subchapter.

SECTION 8. Arkansas Code § 12-12-913(j), concerning Community Notification Assessment information that is disclosed to the public, is amended to read as follows:

(j)(1)(A) The following information concerning a ~~registered~~ sex offender registered under this subchapter who is classified as a Level 3 or Level 4 offender by the Community Notification Assessment shall be made public:

(i) The sex offender's complete name, as well as any alias;

(ii) The sex offender's date of birth;

(iii) Any sex offense to which the sex offender has pleaded guilty or nolo contendere or of which the sex offender has been found

guilty by a court of competent jurisdiction;

(iv) The street name and block number, county, city, and zip code where the sex offender resides;

(v) The sex offender's race and gender;

(vi) The date of the last address verification of the sex offender provided to the Arkansas Crime Information Center;

(vii) The most recent photograph of the sex offender that has been submitted to the center;

(viii) The sex offender's parole or probation office;

(ix) The street name and block number, county, city, and zip code where the sex offender is employed;

(x) Any institution of higher education in which the sex offender is enrolled; ~~and~~

(xi) The vehicle identification number and license plate number of any vehicle the sex offender owns or operates; and

(xii) A physical description of the sex offender.

(B) If a ~~registered~~ sex offender registered under this subchapter was eighteen (18) years of age or older at the time of the commission of the sex offense that required registration under this subchapter and the victim of the sex offense was fourteen (14) years of age or younger and the ~~registered~~ sex offender is classified as a Level 2 offender by the Community Notification Assessment, the following information concerning the registered sex offender shall be made public:

(i) The ~~registered~~ sex offender's complete name, as well as any alias;

(ii) The ~~registered~~ sex offender's date of birth;

(iii) Any sex offense to which the ~~registered~~ sex offender has pleaded guilty or nolo contendere or of which the ~~registered~~ sex offender has been found guilty by a court of competent jurisdiction;

(iv) The street name and block number, county, city, and zip code where the ~~registered~~ sex offender resides;

(v) The ~~registered~~ sex offender's race and gender;

(vi) The date of the last address verification of the ~~registered~~ sex offender provided to the center;

(vii) The most recent photograph of the ~~registered~~

sex offender that has been submitted to the center;

(viii) The ~~registered~~ sex offender's parole or probation office;

(ix) The street name and block number, county, city, and zip code where the sex offender is employed;

(x) Any institution of higher education in which the sex offender is enrolled; ~~and~~

(xi) The vehicle identification number and license plate number of any vehicle the sex offender owns or operates; and

(xii) A physical description of the sex offender.

(C) The center shall prepare and place the information described in subdivisions (j)(1)(A) and (B) of this section on the Internet home page of the State of Arkansas.

(2) The center may promulgate any rules necessary to implement and administer this subsection.

SECTION 9. Arkansas Code § 12-12-913(k), concerning the posting of a sex offender's fact sheet on the internet, is amended to read as follows:

(k) ~~Nothing in this subchapter shall~~ This subchapter shall not be interpreted to prohibit the posting on the Internet or by other appropriate means of offender fact sheets or the physical description of the sex offender for those sex offenders who are determined to be:

(1) High-risk or sexually dangerous persons, risk Level 3 and Level 4; or

(2) In noncompliance with the requirements of registration under rules and regulations promulgated by the Sex Offender Assessment Committee.

SECTION 10. Arkansas Code § 12-12-925 is amended to read as follows:
12-12-925. Travel outside of the United States.

(a) A ~~person~~ sex offender who is required to register ~~as a sex offender~~ under this subchapter must report in person at least twenty-one (21) days before traveling outside of the United States to the local law enforcement agency having jurisdiction that he or she intends to travel outside of the United States.

(b) The ~~person~~ sex offender making the report in-person under this section must also report in person to the local law enforcement agency having

jurisdiction:

(1) The dates of travel; and

(2) The foreign country, colony, territory, or possessions that the ~~person~~ sex offender will visit.

(c)(1) A local law enforcement agency having jurisdiction receiving a report under this section shall immediately report the information to the Arkansas Crime Information Center.

(2) Upon receiving information from a local law enforcement agency having jurisdiction under this section, the center shall immediately report the information to the National Sex Offender Public Website and to the United States Marshals Service.

/s/Shepherd

APPROVED: 04/05/2017