

State of Arkansas
92nd General Assembly
Regular Session, 2019

As Engrossed: S3/11/19

A Bill

SENATE BILL 206

By: Senators Irvin, G. Stubblefield

For An Act To Be Entitled

AN ACT CONCERNING THE TERMINATION OF A PERSON'S
OBLIGATION TO REGISTER AS A SEX OFFENDER; CONCERNING
LIFETIME REGISTRATION FOR CERTAIN REPEAT OFFENDERS;
AND FOR OTHER PURPOSES.

Subtitle

CONCERNING THE TERMINATION OF A PERSON'S
OBLIGATION TO REGISTER AS A SEX OFFENDER;
AND CONCERNING LIFETIME REGISTRATION FOR
CERTAIN REPEAT OFFENDERS.

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

SECTION 1. Arkansas Code § 12-12-919 is amended to read as follows:
12-12-919. Termination of obligation to register.

(a) Lifetime registration is required for a sex offender who:

(1) Was found to have committed an aggravated sex offense;
(2) Was determined by the court to be or assessed as a Level 4
sexually dangerous person;

(3) Has pleaded guilty or nolo contendere to or been found
guilty of a second or subsequent sex offense under a separate case number,
not multiple counts on the same charge; ~~or~~

(4) Was convicted of rape by forcible compulsion, § 5-14-
103(a)(1), or other substantially similar offense in another jurisdiction; ~~;~~
or

(5) Has pleaded guilty or nolo contendere to or been found
guilty of failing to comply with registration and reporting requirements



under § 12-12-904 three (3) or more times.

(b)(1)(A)(i)(a) Any other sex offender required to register under this subchapter may apply for an order terminating the obligation to register to the sentencing court fifteen (15) years after ~~release from incarceration or other institution or fifteen (15) years after having been placed on probation or any other form of community supervision by the court~~ the date the sex offender first registered in Arkansas.

(b) If the sex offender was incarcerated in a correctional facility, the date the sex offender first registered in Arkansas is the date the sex offender registered upon his or her release from the correctional facility.

(ii) A After fifteen (15) years of having been registered as a sex offender in Arkansas, a sex offender sentenced in another state but permanently residing in Arkansas may apply for an order terminating ~~the obligation to register to~~ in the circuit court of the county in which the sex offender resides or has last resided within this state.

(B)(i) The court shall hold a hearing on the application at which the applicant and any interested persons may present witnesses and other evidence.

(ii) No less than twenty (20) days before the date of the hearing on the application, a copy of the application for termination of the obligation to register shall be served on:

(a) The prosecutor of the county in which the adjudication of guilt triggering registration was obtained if the sex offender was convicted in this state; or

(b) The prosecutor of the county where a sex offender resides if the sex offender was convicted in another state.

(iii) A copy also shall be served to the Arkansas Sex Offender Registry in the Arkansas Crime Information Center and to Community Notification Assessment at least twenty (20) days before the hearing.

(C) If the sex offender has not been assessed in the five (5) years before making a request to terminate the obligation to register under this section, the prosecuting attorney may request a reassessment and an order terminating the obligation to register shall not be granted without a reassessment.

(2) The court shall grant an order terminating the obligation to register upon proof by a preponderance of the evidence that:

(A) The applicant, for a period of fifteen (15) years after the applicant was released from prison or other institution, placed on parole, supervised release, or probation has not been adjudicated guilty of a sex offense; and

(B) The applicant is not likely to pose a threat to the safety of others.

(3)(A) A sex offender required to register as a result of a conviction for permitting the physical abuse of a minor under § 5-27-221 may apply for termination of the obligation to register at any time after July 22, 2015.

(B) The court shall grant an order under this subdivision (b)(3) terminating the obligation to register upon proof by a preponderance of the evidence that the facts underlying the offense for which the sex offender is required to register no longer support a requirement to register.

(c) If a court denies a petition to terminate the obligation to register under this section, the sex offender may not file a new petition to *terminate the obligation to register under this section before ~~one (1) year~~ three (3) years* from the date the order denying the previous petition was filed.

(d) The center shall remove a sex offender from the registry upon receipt by the center of adequate proof that the sex offender has died.

/s/ Irvin

APPROVED: 4/9/19