

Department of Finance and Administration

Legislative Impact Statement

Bill: HB1525

Amendment Number: H1

Bill Subtitle: REGARDING SEX OFFENDER REGISTRATION LAWS AND PARTIAL COMPLIANCE WITH THE ADAM WALSH CHILD PROTECTION AND SAFETY ACT OF 2006.

Basic Change :

Representative Gossage

Senator Woods

The bill as originally written adds a new provision to Arkansas law to make public, the vehicle identification number and license plate number of any vehicle owned by a level 3 or level 4 sex offender, classified as such by the Sex Offender Screening and Risk Assessment. Amendment 1 adds a new section to the bill to specify that a person's motor vehicle record may be released to law enforcement and law enforcement may publicly disclose the information in the records under the conditions set forth in the amendment. The amendment does not authorize the disclosure of social security numbers or medical disabilities.

Revenue Impact :

None.

Taxpayer Impact :

The bill as originally written allowed people interested in obtaining information on sex offenders to obtain the license plate number and vehicle identification number of vehicles owned by sex offenders. Amendment 1 specifies that law enforcement would make the public disclosure.

Resources Required :

No additional resources required.

Time Required :

Adequate time is provided.

Procedural Changes :

No procedural changes for Motor Vehicle.

Other Comments :

None

Legal Analysis :

Amendment No. 1 was proposed by DFA to clarify DFA's role in providing motor vehicle information to a law enforcement officer or agency for sex offender registration purposes. The amendment authorizes DFA to provide to law enforcement information contained in a person's motor vehicle record in order for law enforcement to comply with the Sex Offender Registration Act, § 12-12-901, et seq., which implements federal requirements of the Sex Offender Registration and Notification Act. The amendment also authorizes law enforcement to publicly disclose motor vehicle information obtained from DFA provided that the disclosure is (1) required by § 12-12-901, et seq; and (2) related to public safety. The amendment, however, strictly prohibits law enforcement from the public disclosure of a person's social security number or medical or disability information. DFA proposed this amendment pursuant to a provision of the Driver Privacy Protection Act (DPPA) that permits a state to create its own exception to the DPPA. More specifically, this provision authorizes DFA to release motor vehicle information "[f]or any other use specifically authorized under the law of the State that holds the record, if such use is related to the operation of a motor vehicle or public safety."