



## ARKANSAS SENTENCING COMMISSION

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### Impact Assessment for HB1745 Sponsored by Representative Unger

**Subtitle** TO CREATE THE OFFENSE OF UNLAWFUL REMOVAL OR FAILURE TO CHARGE AN ELECTRONIC MONITORING DEVICE.

**Impact Summary**<sup>1</sup> Cannot be determined.

**Change from Current Law**<sup>2</sup> Amends Title 5 of the Arkansas Code to add an additional section creating the offense of Unlawful removal or failure to charge an electronic monitoring device, § 5-54-123. This fiscal impact will only address the felony provisions included in the proposed bill. A person commits Unlawful removal or failure to charge an electronic monitoring device if, being ordered to wear an electronic monitoring device as a condition of probation, parole, or release on a pending charge or disposition of a charge, the person 1) knowingly removes the electronic monitoring device from his or her body, or 2) fails to properly charge the electronic device and the failure to properly charge the electronic monitoring device prevents the electronic monitoring device from tracking or monitoring the person's location.

The penalty for Unlawful removal or failure to charge an electronic monitoring device is a Class D felony if the offense for which the person is on probation or parole is a felony offense, or a Class C felony if the pending charge or charge to be disposed of is a felony either before or after a determination of guilt of the charge.

The proposed bill also provides definitions for "Electronic monitoring device" and "Pending charge".

**Impact Information** The proposed bill creates a new offense for which the likely number of convictions cannot be determined. For this reason, the projected impact of the proposed bill cannot be determined.

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<sup>1</sup> This impact assessment was prepared 3/30/2023 12:16 PM by the staff of the Arkansas Sentencing Commission pursuant to A. C. A. § 16-90-802(d)(6) with data supplied by the Arkansas Department of Corrections and the Administrative Office of the Courts. A micro-simulation model may be used for bills which have the potential for significant impact on correctional resources. The following designations will be used: "minimal" = less than 10 offenders per year will be affected; "medium" = would require budgetary increases for ADC inmate costs; and "major" = would require budgetary increases for ADC inmate costs and construction costs for additional beds.

<sup>2</sup> Standard punishment ranges:

Class Y 10-40 years or life  
Class A 6-30 years; up to \$15,000  
Class B 5-20 years; up to \$15,000

Class C 3-10 years; up to \$10,000  
Class D 0-6 years; up to \$10,000  
Unclassified As specified in statute

Misdemeanors  
Class A Up to 1 year; up to \$2,500  
Class B Up to 90 days; up to \$1,000  
Class C Up to 30 days; up to \$500