

1 State of Arkansas  
2 88th General Assembly  
3 Regular Session, 2011  
4

# A Bill

HOUSE BILL 1368

5 By: Representatives Eubanks, Baird, Bell, Benedict, J. Burris, Catlett, Collins, Collins-Smith,  
6 Deffenbaugh, J. Edwards, E. Elliott, Gillam, Hickerson, Hopper, Hubbard, D. Hutchinson, Johnston,  
7 King, Lampkin, Lenderman, Linck, Mauch, D. Meeks, Rice, Shepherd, Stewart, Stubblefield, Vines,  
8 Wardlaw, Westerman  
9

## For An Act To Be Entitled

10 AN ACT CONCERNING VISITATION RIGHTS WITH A MINOR  
11 CHILD FOR A PARENT LISTED ON THE SEX OFFENDER  
12 REGISTRY; AND FOR OTHER PURPOSES.  
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## Subtitle

16 CONCERNING VISITATION RIGHTS WITH A MINOR  
17 CHILD FOR A PARENT LISTED ON THE SEX  
18 OFFENDER REGISTRY.  
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22 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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24 SECTION 1. Arkansas Code § 9-13-105 is amended to read as follows:  
25 9-13-105. Criminal records check.

26 (a)(1) Any parent of a minor child in a circuit court case may  
27 petition the court to order a criminal records check of the other parent of a  
28 the minor child for custody and visitation determination purposes.

29 (2) If the court determines there is reasonable cause to suspect  
30 that the other parent may have engaged in criminal conduct that would be  
31 relevant to the issue of custody of the minor child or visitation privileges,  
32 the court may order the sheriff of the county in which the petition was filed  
33 to conduct a criminal records check through the Arkansas Crime Information  
34 Center, including a check of the Sex Offender Registry, § 12-12-901 et seq.

35 (3) The court shall review the results of the criminal records  
36 check, and if it deems appropriate, provide the results to the petitioning



1 parent.

2           (4) Any costs associated with conducting a criminal records  
3 check shall be borne by the petitioning party.

4           (b)(1) There is a rebuttable presumption that supervised visitation,  
5 if any, with a parent listed on the registry is in the best interest of the  
6 minor child.

7           (2) The burden is on the parent listed on the registry to rebut  
8 the presumption.

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