

Stricken language would be deleted from and underlined language would be added to present law.

State of Arkansas
89th General Assembly
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As Engrossed: H3/7/13
A Bill

HOUSE BILL 1525

By: Representative Gossage
By: Senator J. Woods

For An Act To Be Entitled

AN ACT REGARDING SEX OFFENDER REGISTRATION LAWS AND
PARTIAL COMPLIANCE WITH THE ADAM WALSH CHILD
PROTECTION AND SAFETY ACT OF 2006; AND FOR OTHER
PURPOSES.

Subtitle

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

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

SECTION 1. Arkansas Code § 12-12-903(12), concerning definitions under the Sex Offender Registration Act of 1997, is amended to read as follows:

(12)(A) "Sex offense" includes, but is not limited to:

(i) The following offenses:

- (a) Rape, § 5-14-103;
- (b) Sexual indecency with a child, § 5-14-110;
- (c) Sexual assault in the first degree, § 5-14-124;
- (d) Sexual assault in the second degree, § 5-14-125;
- (e) Sexual assault in the third degree, § 5-14-126;
- (f) Sexual assault in the fourth degree, § 5-14-127;
- (g) Incest, § 5-26-202;
- (h) Engaging children in sexually explicit conduct

for use in visual or print medium, § 5-27-303;



- (i) Transportation of minors for prohibited sexual conduct, § 5-27-305;
- (j) Employing or consenting to the use of a child in a sexual performance, § 5-27-402;
- (k) Pandering or possessing visual or print medium depicting sexually explicit conduct involving a child, § 5-27-304;
- (l) Producing, directing, or promoting a sexual performance by a child, § 5-27-403;
- (m) Promoting prostitution in the first degree, § 5-70-104;
- (n) Stalking when ordered by the sentencing court to register as a sex offender, § 5-71-229;
- (o) Indecent exposure, § 5-14-112, if a felony level offense;
- (p) Exposing another person to human immunodeficiency virus, § 5-14-123, when ordered by the sentencing court to register as a sex offender;
- (q) Kidnapping pursuant to § 5-11-102(a) when the victim is a minor and the offender is not the parent of the victim;
- (r) False imprisonment in the first degree and false imprisonment in the second degree, §§ 5-11-103 and 5-11-104, when the victim is a minor and the offender is not the parent of the victim;
- (s) Permitting abuse of a minor, § 5-27-221;
- (t) Computer child pornography, § 5-27-603;
- (u) Computer exploitation of a child, § 5-27-605;
- (v) Permanent detention or restraint, § 5-11-106, when the offender is not the parent of the victim;
- (w) Distributing, possessing, or viewing of matter depicting sexually explicit conduct involving a child, § 5-27-602;
- (x) Internet stalking of a child, § 5-27-306;
- (y) Crime of video voyeurism, § 5-16-101, if a felony level offense;
- (z) Voyeurism, § 5-16-102, if a felony level offense; and
- (aa) Any felony-homicide offense under § 5-10-101, § 5-10-102, or § 5-10-104 if the underlying felony is an offense listed in this

subdivision (12)(A)(i);

(ii) An attempt, solicitation, or conspiracy to commit any of the offenses enumerated in subdivision (12)(A)(i) of this section;

(iii) An adjudication of guilt for an offense of the law of another state, ~~for a federal offense, for a tribal court offense, or for a military offense:~~

(a) Which is similar to any of the offenses enumerated in subdivision (12)(A)(i) of this section; or

(b) When that adjudication of guilt requires registration under another state's sex offender registration laws; ~~or~~

(iv) A violation of any former law of this state that is substantially equivalent to any of the offenses enumerated in this subdivision (12)(A);

(v)(a) An adjudication of guilt for an offense in any federal court, the District of Columbia, a United States territory, a federally recognized Indian tribe, or for a military offense:

(1) Which is similar to any of the offenses enumerated in subdivision (12)(A)(i) of this section; or

(2) When the adjudication of guilt requires registration under sex offender registration laws of another state or jurisdiction; or

(b) If the conviction was for a violation of:

(1) 18 U.S.C. § 2252C;

(2) 18 U.S.C. § 2424; or

(3) 18 U.S.C. § 2425; or

(vi) An adjudication of guilt for an offense requiring registration under the laws of Canada, the United Kingdom, Australia, New Zealand, or any other foreign country where an independent judiciary enforces a right to a fair trial during the year in which the conviction occurred.

(B)(i) The sentencing court has the authority to order the registration of any offender shown in court to have attempted to commit or to have committed a sex offense even though the offense is not enumerated in subdivision (12)(A)(i) of this section.

(ii) This authority applies to sex offenses enacted, renamed, or amended at a later date by the General Assembly unless the General Assembly expresses its intent not to consider the offense to be a

true sex offense for the purposes of this subchapter;

SECTION 2. Arkansas Code § 12-12-906(c)(1)(A)(iv), concerning the duty of a convicted sex offender to register or verify his or her registration required under the Sex Offender Registration Act of 1997, is amended to read as follows:

(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;

SECTION 3. Arkansas Code § 12-12-906(g)(3)(M), concerning the duty of a convicted sex offender to register or verify his or her registration required under the Sex Offender Registration Act of 1997, is amended to read as follows:

(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; 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; and

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

SECTION 4. Arkansas Code § 12-12-906(g)(3), concerning the duty of a convicted sex offender to register or verify his or her registration required under the Sex Offender Registration Act of 1997, is amended to add additional subdivisions as follows:

(R)(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 at each registration verification and submit the copy of any passport to the center;

(S)(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 at each registration verification and submit a copy of the documents to the center; and

(T)(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 at each registration verification and submit a copy of the documents to the center.

SECTION 5. Arkansas Code § 12-12-906(g), concerning the duty of a convicted sex offender to register or verify his or her registration required under the Sex Offender Registration Act of 1997, is amended to add a new subdivision to read as follows:

(7) If a person who is required to register as a sex offender owns an aircraft, the person shall provide 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.

SECTION 6. Arkansas Code § 12-12-906(h)(3)(M), concerning the duty of a convicted sex offender to register or verify his or her registration required under the Sex Offender Registration Act of 1997, is amended to read as follows:

(M)(i) Fingerprints.

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

(a) Take the sexually violent predator's

fingerprints; 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 violent predator's palm prints are contained in the automated palm print identification system, the local law enforcement agency having jurisdiction shall:

(a) Take the sexually violent predator's palm prints; and

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

SECTION 7. Arkansas Code § 12-12-906(h)(3), concerning the duty of a convicted sexually violent predator to register or verify his or her registration required under the Sex Offender Registration Act of 1997, is amended to add new subdivisions to read as follows:

(R)(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 sexually violent predator's name at each registration verification and submit the copy of any passport to the center;

(S)(i) Immigration documentation.

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

(T)(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 violent predator at each registration verification and submit a copy of the documents to the center.

SECTION 8. Arkansas Code § 12-12-906(h), concerning the duty of a convicted sexually violent predator to register or verify his or her registration required under the Sex Offender Registration Act of 1997, is amended to add a new subdivision to read as follows:

(7) If a sexually violent predator who is required to register as a sexually violent predator owns an aircraft, the person shall provide 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.

SECTION 9. Arkansas Code § 12-12-907(a)(3), concerning reporting certain sex offender information, is amended to read as follows:

(3) The center will share information with the National Sex Offender Public Registry.

SECTION 10. Arkansas Code § 12-12-913(j)(1)(A), concerning how the disclosure of registration records maintained under the Sex Offender Registration Act of 1997, is amended to read as follows:

(j)(1)(A) The following information concerning a registered sex offender who is classified as a level 3 or level 4 offender by the Sex Offender Screening and Risk 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; ~~and~~
- (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.

SECTION 11. Arkansas Code § 12-12-913(j)(1)(B), concerning how the disclosure of registration records maintained under the Sex Offender Registration Act of 1997, is amended to read as follows:

(B) If a registered sex offender 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 Sex Offender Screening and Risk 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; ~~and~~

(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.

SECTION 12. Arkansas Code Title 12, Chapter 12, Subchapter 9, is amended to add a new section to read as follows:

12-12-925. Travel outside of the United States.

(a) A person who is required to register as a sex offender under this subchapter must report 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 making the report under this section must also report 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 will visit.

(c)(1) A local law enforcement agency 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 under this section, the center shall immediately report the information to the National Sex Offender Public Registry and to the United States Marshals Service.

SECTION 13. Arkansas Code Title 12, Chapter 12, Subchapter 9, is amended to add a new section to read as follows:

12-12-926. Release of motor vehicle records by the Department of Finance and Administration.

(a) The Department of Finance and Administration may release to a law enforcement officer or agency information contained in a person's motor vehicle record if:

(1) The information is required for the law enforcement officer or agency to comply with this subchapter; and

(2) The use of the information by the law enforcement officer or agency is related to public safety.

(b) A law enforcement officer or agency that obtains a record from the department as provided in subsection (a) of this section may publicly disclose information contained in a person's motor vehicle record if the disclosure of the information is:

(1) Required by this subchapter; and

(2) Related to public safety.

(c) This section does not authorize a law enforcement officer or agency to publicly disclose the following information obtained from a motor vehicle record:

(1) A person's social security number; or

(2) A person's medical or disability information.

/s/Gossage