

State of Arkansas
89th General Assembly
Regular Session, 2013

A Bill

HOUSE BILL 2054

By: Representatives Scott, Dotson

For An Act To Be Entitled

AN ACT TO PROHIBIT A REGISTERED SEX OFFENDER FROM
RESIDING WITHIN TWO THOUSAND FEET OF A PRIVATE PARK;
AND FOR OTHER PURPOSES.

Subtitle

TO PROHIBIT A REGISTERED SEX OFFENDER
FROM RESIDING WITHIN TWO THOUSAND FEET OF
A PRIVATE PARK.

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

SECTION 1. Arkansas Code § 5-14-128 is amended to read as follows:

5-14-128. Registered offender living near school, public park, private park, youth center, or daycare prohibited.

(a) It is unlawful for a sex offender who is required to register under the Sex Offender Registration Act of 1997, § 12-12-901 et seq., and who has been assessed as a Level 3 or Level 4 offender to knowingly reside within two thousand feet (2,000') of the property on which any public or private elementary or secondary school, public park, private park, youth center, or daycare facility is located.

(b)(1) It is not a violation of this section if the property on which the sex offender resides is owned and occupied by the sex offender and was purchased prior to the date on which the public or private elementary or secondary school, public park, private park, youth center, or daycare facility was established.

(2) The exclusion in subdivision (b)(1) of this section does not apply to a sex offender who pleads guilty or nolo contendere to or is found



guilty of another sex offense after the public or private elementary or secondary school, public park, private park, youth center, or daycare facility is established.

(c)(1)(A) With respect to a public or private elementary or secondary school or a daycare facility, it is not a violation of this section if the sex offender resides on property he or she owns prior to July 16, 2003.

(B) With respect to a public park or youth center, it is not a violation of this section if the sex offender resides on property he or she owns prior to July 31, 2007.

(C) With respect to a private park, it is not a violation of this section if the sex offender resides on property he or she owns prior to the effective date of this act.

(2)(A) The exclusion in subdivision (c)(1)(A) of this section does not apply to a sex offender who pleads guilty or nolo contendere to or is found guilty of another sex offense after July 16, 2003.

(B) The exclusion in subdivision (c)(1)(B) of this section does not apply to a sex offender who pleads guilty or nolo contendere to or is found guilty of another sex offense on or after July 31, 2007.

(C) The exclusion in subdivision (c)(1)(C) of this section does not apply to a sex offender who pleads guilty or nolo contendere to or is found guilty of another sex offense on or after the effective date of this act.

(d) With respect to a private park, it is not a violation of this section unless:

(1) The private park has posted signs at all roadway entrances or footpaths into the private park that contain at a minimum the following information:

(A) That the person is entering into a private park; and

(B) The name and contact information of the entity that owns or maintains the private park;

(2) The entity that owns or maintains the private park petitions the local governing body to designate the private park as a private park for which a person who is required to register under the Sex Offender Registration Act of 1997, § 12-12-901 et seq., is prohibited from living within two thousand feet (2,000') of the private park;

(3) The local governing body enacts an ordinance to designate

the private park as a private park for which a person required to register under the Sex Offender Registration Act of 1997, § 12-12-901 et seq., is prohibited from living within two thousand feet (2,000') of the private park; and

(4) The ordinance enacted under subdivision (d)(3) of this section is in effect.

~~(d) A sex offender who is required to register under the Sex Offender Registration Act of 1997, § 12-12-901 et seq., and who knowingly violates a provision of this section is guilty of~~ (e) A violation of this section is a Class D felony.

(e)(1) A person who is charged with violating this section shall be ordered as a condition of his or her release from custody not to return to the location where he or she was residing that was located within two thousand feet (2,000') of a public or private elementary or secondary school, public park, private park, youth center, or daycare facility until the charge is adjudicated.

(2) The court having jurisdiction over the charge may order that the defendant be allowed to return to his or her residence before the adjudication of the charge if good cause is shown.

(f) As used in this section:

(1) "Entity" means an organization consisting of at least twenty (20) owners or members and includes without limitation a property owners' association or a homeowners' association;

(2) "Local governing body" means:

(A) The governing body of the municipality where a private park is located; or

(B) If a private park is not located within a municipality, the quorum court of the county where the private park is located;

(3) "Private park" means a property owned or maintained by an entity for the recreational use of the entity's owners or members, the public, or both;

~~(1)~~(4) "Public park" means any property owned or maintained by this state or a county, city, or town in this state for the recreational use of the public; and

~~(2)~~(5) "Youth center" means any building, structure, or facility

owned or operated by a not-for-profit organization or by this state or a county, city, or town in this state for use by minors to promote the health, safety, or general welfare of the minors.