

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

State of Arkansas  
89th General Assembly  
Regular Session, 2013

*As Engrossed: S3/28/13*  
**A Bill**

SENATE BILL 1093

By: Senator Elliott  
By: Representatives H. Wilkins, Love

### **For An Act To Be Entitled**

AN ACT TO REQUIRE THE PREPARATION OF A RACIAL IMPACT STATEMENT FOR CERTAIN BILLS FILED WITH THE SENATE AND HOUSE OF REPRESENTATIVES; AND FOR OTHER PURPOSES.

### **Subtitle**

TO REQUIRE THE PREPARATION OF A RACIAL IMPACT STATEMENT FOR CERTAIN BILLS FILED WITH THE SENATE AND HOUSE OF REPRESENTATIVES.

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

SECTION 1. Arkansas Code Title 10, Chapter 2, Subchapter 1 is amended to add an additional section to read as follows:

10-2-132. Racial impact statement.

(a)(1) A racial impact statement shall be prepared as provided in this section for any bill filed in the Senate or House of Representatives that will:

(A) Create a new offense;

(B) Significantly change an existing offense;

(C) Change the penalty for an existing offense; or

(D) Change existing sentencing, parole, or probation

procedures.

(2) A racial impact statement shall be prepared and filed with the chair of the committee to which the bill is referred before the bill is heard in the committee during a regular, fiscal, or special session of the



General Assembly.

(3) If a bill requiring a racial impact statement is amended, a revised racial impact statement shall be prepared for the bill.

(b)(1)(A) Except as provided in subdivision (b)(1)(B) of this section, the Office of Economic and Tax Policy, with the assistance of the Department of Criminal Justice at the University of Arkansas at Little Rock, shall prepare the racial impact statement required by this section.

(B) The Office of Economic and Tax Policy, with the assistance of the Arkansas Coalition for Juvenile Justice and the Department of Criminal Justice at the University of Arkansas at Little Rock, shall prepare a racial impact statement for a bill under subdivision (a)(1) of this section that has an impact on minors.

(2) The racial impact statement shall include without limitation:

(A) The estimated number of criminal cases per year that the bill will affect;

(B) The impact of the bill on a minority as defined in § 1-2-503;

(C) The impact of the bill upon correctional facilities and services; and

(D) Other matters deemed relevant to the bill at issue.

(c)(1)(A) If a racial impact statement indicates a disparate impact on a minority as defined in § 1-2-503, the sponsor of the bill shall consider whether the bill may be amended to achieve its purpose with a lessened impact on minorities.

(B) If a bill is amended to lessen its impact on minorities the sponsor of the bill shall identify in writing, in the bill and the racial impact statement, the methodology used to lessen the impact on minorities in the amended proposal.

(2) If the sponsor of the bill elects not to amend the bill or if the racial impact statement for an amended bill continues to indicate a disparate impact on a minority, the sponsor of the bill shall:

(A) Withdraw the bill; or

(B) Identify in writing, in the bill and the racial impact statement, his or her reasoning for proceeding with the bill despite the disparate impact.

(d)(1) If a Senate or House bill is called up for final passage in the Senate or House of Representatives and a racial impact statement is required by this section and has not been provided by the author of the bill or by the committee to which the bill was referred, the presiding officer of the Senate or House of Representatives shall cause the bill to be referred for the preparation of a racial impact statement, which shall be filed with the presiding officer at least five (5) days prior to the bill again being called up for final passage.

(2) The bill shall not be called back up for final action until a racial impact statement has been filed with the presiding officer.

*/s/Elliott*