

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: H2/15/13
A Bill

SENATE BILL 57

By: Senator J. Woods
By: Representative Neal

For An Act To Be Entitled

AN ACT REGARDING THE SEX OFFENDER REGISTRATION ACT OF 1997; REGARDING THE REQUIREMENTS OF REGISTERING AS A SEX OFFENDER; AND FOR OTHER PURPOSES

Subtitle

REGARDING THE SEX OFFENDER REGISTRATION ACT OF 1997 AND REGARDING THE REQUIREMENTS OF REGISTERING AS A SEX OFFENDER.

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

SECTION 1. Arkansas Code § 12-12-903(10), concerning the definition of "residency" in the Sex Offender Registration Act of 1997, is amended to read as follows:

(10)(A) "Residency" means the place where a person lives notwithstanding that there may be an intent to move or return at some future date to another place.

(B) "Residency" also includes:

- (i) place A place of employment;
- (ii) training, or A place of training;
- (iii) education; A place of education; or
- (iv) A temporary residence or domicile in which a person resides for an aggregate of five (5) or more consecutive days during a calendar year;



SECTION 2. Arkansas Code § 12-12-904(a)(1)(A), concerning the criminal offense of failing to comply with registration and reporting requirements, is amended to read as follows:

(a)(1)(A) A person is guilty of a Class C felony who:

(i) Fails to register or verify registration as required under this subchapter;

(ii) Fails to report a change of address, employment, education, or training as required under this subchapter; ~~or~~

(iii) Refuses to cooperate with the assessment process as required under this subchapter; ~~or~~

(iv) Files false paperwork or documentation regarding verification, change of information, or petitions to be removed from the registry.

SECTION 3. Arkansas Code § 12-12-906(a)(2), concerning the duty to register and verify as a sex offender, is amended to read as follows:

(2)(A) A sex offender ~~moving to or returning~~ who moves to or returns to this state from another jurisdiction and who would be required to register as a sex offender in the jurisdiction in which he or she was adjudicated guilty or delinquent of a sex offense shall register with the local law enforcement agency having jurisdiction within ~~three (3) business~~ seven (7) calendar days after the sex offender ~~establishes residency in~~ moves to a municipality or county of this state.

(B)(i) Any person living in this state who would be required to register as a sex offender in the jurisdiction in which he or she was adjudicated guilty or delinquent of a sex offense shall register as a sex offender in this state whether living, working, or attending school or other training in Arkansas.

(ii) A nonresident worker or student who enters the state shall register in compliance with the Adam Walsh Child Protection and Safety Act of 2006, Pub. L. No. 109-248, as it existed on January 1, 2007.

(C) A sex offender sentenced and required to register outside of Arkansas shall:

(i)(a) Submit to assessment by Sex Offender Screening and Risk Assessment if he or she is at least eighteen (18) years of age at the time he or she enters this state to live, work, or attend school.

(b) If he or she is under the age of eighteen (18) at the time he or she enters this state to live, work, or attend school, he or she shall submit to assessment by the Family Treatment Program or other agency or entity authorized to conduct juvenile sex offender assessments;

(ii) Provide a deoxyribonucleic acid (DNA) sample if a sample is not already accessible to the State Crime Laboratory; and

(iii)(a) Pay the mandatory fee of two hundred fifty dollars (\$250) to be deposited into the DNA Detection Fund established by § 12-12-1119 within ninety (90) days from the date of registration.

(b) Failure to pay the fee required under subdivision (a)(2)(C)(iii)(a) of this section is a Class A misdemeanor.

SECTION 4. Arkansas Code § 12-12-919(b)(1), concerning the termination of the obligation to register as a sex offender, is amended to read as follows:

(b)(1)(A)(i) Any other sex offender required to register under this subchapter may ~~make application~~ apply for an order terminating the obligation to register to the sentencing court fifteen (15) years after release from incarceration or other institution or fifteen (15) years after having been placed on probation or any other form of community supervision by the court.

(ii) A sex offender sentenced in another state but permanently residing in Arkansas may ~~make an application~~ apply for an order terminating the obligation to register to the court of the county in which the sex offender resides.

(B)(i) The court shall hold a hearing on the application at which the applicant and any interested persons may present witnesses and other evidence.

(ii) No ~~fewer~~ less than twenty (20) days ~~prior to~~ before the date of the hearing on the application, a copy of the application for termination of the obligation to register shall be served on:

(a) the The prosecutor of the county in which the adjudication of guilt triggering registration was obtained if the sex offender was convicted in this state; or

(b) The prosecutor of the county where a sex offender resides if the sex offender was convicted in another state.

(iii) A copy shall also be served to the Arkansas

Sex Offender Registry in the Arkansas Crime Information Center and to Sex Offender Screening and Risk Assessment at least twenty (20) days before the hearing.

/s/J. Woods