

1 State of Arkansas
2 90th General Assembly
3 Regular Session, 2015
4

A Bill

SENATE BILL 56

5 By: Senator J. Woods
6 By: Representative C. Fite
7

For An Act To Be Entitled

9 AN ACT CONCERNING THE PROCEDURES OF SEX OFFENDER
10 REGISTRATION AND VERIFICATION; TO MAKE TECHNICAL
11 CORRECTIONS; AND FOR OTHER PURPOSES.
12
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Subtitle

15 CONCERNING THE PROCEDURES OF SEX OFFENDER
16 REGISTRATION AND VERIFICATION; AND TO
17 MAKE TECHNICAL CORRECTIONS.
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20 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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22 SECTION 1. Arkansas Code § 12-12-904(a)(2)(B), concerning failure to
23 comply with registration requirements for sex offenders, is amended to read
24 as follows:

25 (B) Provided the new address to the ~~Arkansas Crime~~
26 ~~Information Center~~ local law enforcement agency having jurisdiction in
27 writing no later than five (5) business days after the person establishes
28 residency.
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30 SECTION 2. Arkansas Code § 12-12-906(c)(1)(A)(vii), concerning
31 reporting requirements for a sex offender subject to lifetime registration,
32 is amended to read as follows:

33 (vii) Inform the sex offender that if the sex
34 offender's address changes within the state or to another state due to an
35 eviction, natural disaster, or any other unforeseen circumstance, the sex
36 offender shall give the new address to the ~~center~~ local law enforcement

1 agency having jurisdiction in writing no later than three (3) business days
2 after the sex offender establishes residency;

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4 SECTION 3. Arkansas Code § 12-12-906(c)(2), concerning reporting
5 requirements for a sex offender subject to lifetime registration, is amended
6 to read as follows:

7 (2) When updating the registration file of a sex offender, the
8 Department of Correction, the Department of Community Correction, the
9 Arkansas State Hospital, or the Department of Human Services shall:

10 (A) Review with the sex offender the duty to register and
11 obtain current information required for registration as described in § 12-12-
12 908;

13 (B) Review with the sex offender the requirement that if
14 the sex offender changes address within the state, the sex offender shall
15 give the new address to the ~~center~~ local law enforcement agency having
16 jurisdiction in writing no later than ten (10) days before the sex offender
17 establishes residency or is temporarily domiciled at the new address;

18 (C) Review with the sex offender the requirement that if
19 the sex offender changes address to another state, the sex offender shall
20 register the new address with the ~~center~~ local law enforcement agency having
21 jurisdiction and with a designated law enforcement agency in the new state
22 not later than three (3) business days after the sex offender establishes
23 residence or is temporarily domiciled in the new state if the new state has a
24 registration requirement;

25 (D) Require the sex offender to read and sign a form
26 stating that the duty of the sex offender to register under this subchapter
27 has been reviewed;

28 (E) Inform the sex offender that if the sex offender's
29 address changes within the state or to another state due to an eviction,
30 natural disaster, or any other unforeseen circumstance, the sex offender
31 shall give the new address to the ~~center~~ local law enforcement agency having
32 jurisdiction in writing no later than three (3) business days after the sex
33 offender establishes residency;

34 (F) Review with the sex offender the consequences of
35 failure to provide any information required by subdivision (b)(2) of this
36 section;

1 (G) Inform a sex offender subject to lifetime registration
2 under § 12-12-919 of the duty to:

3 (i) Verify registration and report the information
4 required for registration verification as described in subsections (g) and
5 (h) of this section; and

6 (ii) Ensure that the information required for
7 registration verification under subsections (g) and (h) of this section is
8 provided to the local law enforcement agency having jurisdiction; and

9 (H) Review with a sex offender subject to lifetime
10 registration under § 12-12-919 the consequences of failure to verify
11 registration under § 12-12-904.

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13 SECTION 4. Arkansas Code § 12-12-906(e), concerning reporting
14 requirements for a sex offender subject to lifetime registration, is amended
15 to read as follows:

16 (e) Any sex offender working, enrolled, or volunteering in a public or
17 private elementary, secondary or postsecondary school, or institution of
18 training shall notify the ~~center~~ local law enforcement agency having
19 jurisdiction of that status and shall register with the local law enforcement
20 agency having jurisdiction over that campus.

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22 SECTION 5. Arkansas Code § 12-12-906(f), concerning reporting
23 requirements for a sex offender subject to lifetime registration, is amended
24 to read as follows:

25 (f)(1) An offender required to register ~~pursuant to~~ under this
26 subchapter shall not change his or her name unless the change is:

27 (A) Incident to a change in the marital status of the sex
28 offender; or

29 (B) Necessary to effect the exercise of the religion of
30 the sex offender.

31 (2) The change in the sex offender's name shall be reported to
32 the ~~Director of the Arkansas Crime Information Center~~ local law enforcement
33 agency having jurisdiction within ten (10) calendar days after the change in
34 name.

35 (3) A violation of this subsection is a Class C felony.

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1 SECTION 6. Arkansas Code § 12-12-906(g)(3)(K), concerning reporting
2 requirements for a sex offender subject to lifetime registration, is amended
3 to read as follows:

4 (K) Date and place of any employment or volunteer work;

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6 SECTION 7. Arkansas Code § 12-12-906(h)(3)(K), concerning reporting
7 requirements for a sex offender subject to lifetime registration, is amended
8 to read as follows:

9 (K) Date and place of any employment or volunteer work;

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11 SECTION 8. Arkansas Code § 12-12-907(b)(3), concerning reporting by a
12 sex offender, is amended to read as follows:

13 (3) The ~~center~~ local law enforcement agency having jurisdiction
14 shall verify the address of a sexually dangerous person on a quarterly basis
15 and the address of all other sex offenders on a semiannual basis.

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17 SECTION 9. Arkansas Code § 12-12-909 is amended to read as follows:

18 12-12-909. Verification form – Change of address.

19 (a)(1) A person required to register as a sex offender shall verify
20 registration every six (6) months after the person's initial registration
21 date during the period of time in which the person is required to register.

22 (2)(A)(i) The verification shall be done in person at a local
23 law enforcement agency having jurisdiction at which time the person shall
24 sign and date a Sex Offender Acknowledgment Form in which a law enforcement
25 officer shall also witness and sign.

26 (ii) The Sex Offender Acknowledgment Form shall
27 state the date of verification as well as a date certain that the person is
28 required to return in person to a specific local law enforcement agency
29 having jurisdiction to verify his or her address.

30 (B) The Sex Offender Acknowledgement Form shall be uniform
31 and created by the Arkansas Crime Information Center.

32 (C) The local law enforcement agency having jurisdiction
33 shall file the verification of registration electronically with the center.

34 (3) If the person lives in a jurisdiction that does not have a
35 local law enforcement agency having jurisdiction that is able to
36 electronically file the verification, the verification shall be done by

1 certified mail in the following manner:

2 (A) The center shall mail a nonforwardable verification
3 form to the last reported address of the person by certified mail;

4 (B)(i) The person shall return the verification form in
5 person to the local law enforcement agency having jurisdiction within ten
6 (10) days after receipt of the verification form.

7 (ii) Within three (3) days after receipt of the
8 verification form, the local law enforcement agency having jurisdiction shall
9 forward the verification form to the center;

10 (C) The verification form shall be signed by the person
11 and state that the person still resides at the address last reported to the
12 center; and

13 (D) If the person fails to return the verification form to
14 the local law enforcement agency having jurisdiction within ten (10) days
15 after receipt of the verification form, the person is in violation of this
16 subchapter.

17 (4) If the person changes his or her address without notice or
18 fails to return the verification form if he or she is allowed to do so by
19 mail, notification shall be sent to law enforcement and supervising parole or
20 probation authorities, and notice may be posted on the Internet until proper
21 reporting is again established or the person is incarcerated.

22 (5) Subdivision (a)(1) of this section applies to a person
23 required to register as a sexually dangerous person, except that the person
24 shall verify the registration every ninety (90) days after the date of the
25 initial release or commencement of parole.

26 (6) Subdivision (a)(1) of this section applies to a person
27 required to register as a sex offender who claims to be homeless except that
28 a person required to register as a sex offender claiming to be homeless shall
29 verify the registration every thirty (30) days during the period of time in
30 which the person is required to register as a sex offender and claims to be
31 homeless.

32 (b)(1)(A) Before a change of address within the state, a sex offender
33 shall report the change of address to the local law enforcement agency having
34 jurisdiction no later than ten (10) days before the sex offender establishes
35 residency or is temporarily domiciled at the new address.

36 (B) The sex offender shall report to the local law

1 enforcement agency having jurisdiction of the new address with three (3) days
 2 after relocating to the new address.

3 ~~(B)~~(C) Upon receipt of a report of a change of address as
 4 described in subdivision (b)(1)(A) of this section, the local law enforcement
 5 agency having jurisdiction shall report the change of address to the center.

6 (D) Other than a change of address as provided in
 7 subdivision (b)(1)(A) of this section, a sex offender shall report a change
 8 of any other information required to be reported at registration under § 12-
 9 12-908 or required to be reported at the time of verification under § 12-12-
 10 906 to the local law enforcement agency having jurisdiction within ten (10)
 11 days of the change.

12 (2) When a change of address within the state is reported to the
 13 center, the center shall immediately report the change of address to the
 14 local law enforcement agency having jurisdiction where the sex offender
 15 expects to reside.

16 (c)(1) Before a change of address to another state, a sex offender
 17 shall register the new address with the ~~center~~ local law enforcement agency
 18 having jurisdiction and with a designated law enforcement agency in the state
 19 to which the sex offender moves not later than ten (10) days before the sex
 20 offender establishes residence or is temporarily domiciled in the new state
 21 if the new state has a registration requirement.

22 (2) When a change of address to another state is reported to the
 23 center, the center shall immediately notify the law enforcement agency with
 24 which the sex offender must register in the new state if the new state has a
 25 registration requirement.

26 (d) The center ~~may~~ shall require a sex offender to report ~~a~~ any change
 27 of ~~address~~ information through the local law enforcement agency having
 28 jurisdiction.

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 30 SECTION 10. Arkansas Code § 12-12-912 is amended to read as follows:
 31 12-12-912. Arrests for violations.

32 (a) In order for a sex offender to be charged with the commission of a
 33 violation of this subchapter so that an arrest warrant ~~shall~~ may be issued,
 34 ~~it shall be the duty of~~ the local law enforcement agency having jurisdiction
 35 ~~to~~ shall notify the prosecutor when the local law enforcement agency having
 36 jurisdiction has reasonable grounds for believing that a sex offender is not

1 registered, has not reported a change of address or change of any other
2 information required to be provided by the sex offender, or has not verified
3 the sex offender's address in violation of this subchapter.

4 (b) The address of a sex offender as listed in the sex offender's
5 registration file shall determine which local law enforcement agency has
6 jurisdiction.

7 (c) A law enforcement officer shall arrest a sex offender when a
8 warrant has been issued for the sex offender's arrest or the officer has
9 reasonable grounds for believing that a sex offender is not registered or has
10 not reported a change of address or change of any other information required
11 to be provided by the sex offender in violation of this subchapter.

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13 SECTION 11. Arkansas Code § 12-12-919, regarding the termination of an
14 obligation to register as a sex offender, is amended to add a new subsection
15 to read as follows:

16 (c) If a court denies a petition to terminate the obligation to
17 register under this section, the sex offender may not file a new petition to
18 terminate the obligation to register under this section before one (1) year
19 from the date the order denying the previous petition was filed.

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