

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

State of Arkansas
90th General Assembly
Regular Session, 2015

A Bill

SENATE BILL 56

By: Senator J. Woods
By: Representative C. Fite

For An Act To Be Entitled

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

Subtitle

CONCERNING THE PROCEDURES OF SEX OFFENDER
REGISTRATION AND VERIFICATION; AND TO
MAKE TECHNICAL CORRECTIONS.

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

SECTION 1. Arkansas Code § 12-12-904(a)(2)(B), concerning failure to comply with registration requirements for sex offenders, is amended to read as follows:

(B) Provided the new address to the ~~Arkansas Crime Information Center~~ local law enforcement agency having jurisdiction in writing no later than five (5) business days after the person establishes residency.

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

SECTION 9. Arkansas Code § 12-12-909 is amended to read as follows:
12-12-909. Verification form – Change of address.

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

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

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

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

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

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

certified mail in the following manner:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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