

State of Arkansas
91st General Assembly
Regular Session, 2017

A Bill

HOUSE BILL 1433

By: Representative Baltz

For An Act To Be Entitled

AN ACT TO PROHIBIT A REGISTERED SEX OFFENDER FROM LIVING NEAR A FACILITY WHERE A PERSON WITH A MEDICALLY DIAGNOSED MENTAL DISABILITY OR PHYSICAL DISABILITY RESIDES; AND FOR OTHER PURPOSES.

Subtitle

TO PROHIBIT A REGISTERED SEX OFFENDER FROM LIVING NEAR A FACILITY WHERE A PERSON WITH A MEDICALLY DIAGNOSED MENTAL DISABILITY OR PHYSICAL DISABILITY RESIDES.

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, youth center, daycare, or church or other place of worship~~ prohibited certain places.

(a) 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:

(1) Level 3 or Level 4 offender may not knowingly reside within two thousand feet (2,000') of the property on which is located a public or private elementary or secondary school, public park, youth center, ~~or~~ daycare facility is located, or facility where a person with a medically diagnosed mental disability or physical disability resides; or

(2) Level 4 offender may not knowingly reside within two



thousand feet (2,000') of a church or other place of worship.

(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~~ of the establishment of the public or private elementary or secondary school, public park, youth center, daycare facility, ~~or church or other place of worship was established,~~ or facility where a person with a medically diagnosed mental disability or physical disability resides.

(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 establishment of the public or private elementary or secondary school, public park, youth center, daycare facility, ~~or church or other place of worship is established,~~ or facility where a person with a medically diagnosed mental disability or physical disability resides.

(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.

(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.

(3) With respect to a church or other place of worship, it is not a violation of this section if the sex offender resides on property he or she owns prior to July 22, 2015.

(4)(A) With respect to a facility where a person with a medically diagnosed mental disability or physical disability resides, 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.

(B) The exclusion in subdivision (c)(4)(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 on or after the effective date of this act.

(d) 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 until the charge is adjudicated 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, youth center, daycare facility, ~~or~~ church or other place of worship ~~until the charge is adjudicated, or~~ facility where a person with a medically diagnosed mental disability or physical disability resides.

(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) "Church or other place of worship" means a physical location that has a primary purpose of facilitating the meeting of persons in order to practice a religion;

(2) "Facility" means housing or a facility occupied by a group of unrelated persons with mental or physical disabilities receiving support services and staffed by one (1) or more full-time caregivers or other healthcare professionals;

~~(2)(3)~~ "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

~~(3)(4)~~ "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.