

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

State of Arkansas
91st General Assembly
Regular Session, 2017

A Bill

SENATE BILL 338

By: Senator J. Hutchinson

For An Act To Be Entitled

AN ACT CONCERNING THE DEFINITION OF "TARGET GROUP" AS
IT IS APPLIES TO COMMUNITY CORRECTION; AND FOR OTHER
PURPOSES.

Subtitle

CONCERNING THE DEFINITION OF "TARGET
GROUP" AS IT IS APPLIES TO COMMUNITY
CORRECTION.

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

SECTION 1. Arkansas Code § 16-93-1202(10), concerning the definition of "target group" as it is applied to community correction, is amended to read as follows:

(10)(A)(i) "Target group" means a group of offenders ~~and offenses determined to be, but not limited to, theft, theft by receiving, hot checks, residential burglary, commercial burglary, failure to appear, fraudulent use of credit cards, criminal mischief, breaking or entering, drug paraphernalia, driving while intoxicated, fourth or subsequent offense, all other Class C felonies or Class D felonies that are not either violent or sexual and that meet the eligibility criteria determined by the General Assembly to have significant impact on the use of correctional resources, Class A controlled substance felonies and Class B controlled substance felonies, and all other unclassified felonies for which the prescribed limitations on a sentence do not exceed the prescribed limitations for a Class C felony and that are not either violent or sexual,~~ who have committed one (1) or more of the following offenses without limitation:



- (a) Terroristic threatening, § 5-13-301;
- (b) Domestic battering in the third degree, § 5-26-305;
- (c) Endangering the welfare of a minor in the first degree, § 5-27-205;
- (d) Theft, § 5-36-101 et seq.;
- (e) Theft by receiving, § 5-36-106;
- (f) Fraudulent use of a credit card or debit card, § 5-37-207;
- (g) Violation of the Arkansas Hot Check Law, § 5-37-301 et seq.;
- (h) Criminal mischief in the first degree, § 5-38-203, and criminal mischief in the second degree, § 5-38-204;
- (i) Residential or commercial burglary, § 5-39-201;
- (j) Breaking or entering, § 5-39-202;
- (k) Failure to appear, § 5-54-120;
- (l) Fleeing, § 5-54-125;
- (m) Drug paraphernalia, § 5-64-443;
- (n) Driving or boating while intoxicated, § 5-65-103, fourth or subsequent offense;
- (o) Leaving the scene of a personal injury accident, § 27-53-101;
- (p) A Class C felony or Class D felony that is not violent or sexual and that meets the eligibility criteria determined by the General Assembly to have significant impact on the use of correctional resources;
- (q) All controlled substance felonies; and
- (r) All other unclassified felonies for which the prescribed limitations on a sentence do not exceed the prescribed limitations for a Class B felony and that are not violent or sexual.
- (ii) ~~Offenders committing "Target group" includes without limitation offenders who have committed~~ solicitation, attempt, or conspiracy of the substantive offenses listed in subdivision (10)(A)(i) of this section ~~are also included in the group.~~
- (iii) As used in this subdivision (10)(A), "violent

or sexual” includes all offenses against the person ~~codified in~~ under § 5-10-101 et seq., § 5-11-101 et seq., § 5-12-101 et seq., ~~§ 5-13-201 et seq., § 5-13-301 et seq.,~~ § 5-13-201, § 5-13-202, § 5-13-204, § 5-13-211, § 5-13-310, and § 5-14-101 et seq., ~~and any offense containing as an element of the offense the use of physical force, the threatened use of serious physical force, the infliction of physical harm, or the creation of a substantial risk of serious physical harm.~~

(iv) For the purpose of the sealing of a criminal record under § 16-93-1207, “target group” includes any misdemeanor conviction except a misdemeanor conviction for which the offender is required to register as a sex offender or a misdemeanor conviction for driving while intoxicated.

(B) Offenders ~~and offenses~~ falling within the target group population may access community correction facilities pursuant to § 16-93-1208;