

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

State of Arkansas
92nd General Assembly
Regular Session, 2019

As Engrossed: H2/6/19
A Bill

SENATE BILL 10

By: Senator T. Garner
By: Representative Petty

For An Act To Be Entitled

AN ACT PROHIBITING A REGISTERED SEX OFFENDER FROM PARTICIPATING IN CERTAIN HALLOWEEN-RELATED ACTIVITIES; AND FOR OTHER PURPOSES.

Subtitle

PROHIBITING A REGISTERED SEX OFFENDER FROM PARTICIPATING IN CERTAIN HALLOWEEN-RELATED ACTIVITIES.

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

SECTION 1. Arkansas Code Title 5, Chapter 14, Subchapter 1, is amended to add an additional section to read as follows:

5-14-135. Registered offender prohibited from participating in certain Halloween-related activities.

(a) As used in this section:

(1) "Costume" means an outfit worn to create the appearance or characteristic of a particular period, person, place, or thing; and

(2) "Halloween-related event" means an event involving children organized around and concerning the celebration of Halloween that occurs any time during the two (2) weeks before or after October 31 of each year, including without limitation:

(A) Trick-or-treating;

(B) A costume party; and

(C) An event involving the wearing of a costume or the handing out of candy to children.



(b) It is unlawful for a person 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 Level 3 or Level 4 offender to knowingly:

(1) Distribute candy or any item to a minor as part of a Halloween-related event; or

(2) Wear a mask or other costume as part of a Halloween-related event if a minor is present at the Halloween-related event.

(c) It is not an offense under:

(1) Subdivision (b)(1) of this section if the person is a parent or guardian of a minor to whom the candy or item is distributed; or

(2) Subdivision (b)(2) of this section if the person is a parent or guardian of all minors present at the Halloween-related event.

(d) A violation of this section is a Class D felony.

(e) It is a defense to prosecution under this section that the person was:

(1) Wearing a costume for a legitimate work-related event or purpose during normal business hours; or

(2) Engaged in the commercial or retail sale of candy or other Halloween-related merchandise.

/s/T. Garner