

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

State of Arkansas
92nd General Assembly
Regular Session, 2019

A Bill

SENATE BILL 177

By: Senator T. Garner

For An Act To Be Entitled

AN ACT CONCERNING SEX OFFENDER REGISTRATION
REQUIREMENTS; AND FOR OTHER PURPOSES.

Subtitle

CONCERNING SEX OFFENDER REGISTRATION
REQUIREMENTS.

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

SECTION 1. Arkansas Code § 12-12-906(a)(2)(A), concerning sex offender registration and sex offenders who move to this state, is amended to read as follows:

(2)(A) A sex offender who moves to or returns to this state from another jurisdiction and who would be required to register as a sex offender in the jurisdiction in which he or she was adjudicated guilty or delinquent of a sex offense shall register with the local law enforcement agency having jurisdiction in person within ~~seven (7)~~ five (5) calendar days after the sex offender moves to a municipality or county of this state.

SECTION 2. Arkansas Code § 12-12-906(c)(1), concerning sex offender registration, is amended to read as follows:

(c)(1)(A) When registering a sex offender as provided in subsection (a) of this section, the sentencing court, the Department of Correction, the Department of Community Correction, the Arkansas State Hospital, the Department of Human Services, or the local law enforcement agency having jurisdiction shall:

(i) Inform the sex offender of the duty to submit to



assessment and to register and obtain the information required for registration as described in § 12-12-908;

(ii) Inform the sex offender that if the sex offender changes residency within the state, the sex offender shall give the new address and place of employment, education, higher education, or training to the center in writing no later than ~~ten (10) business~~ five (5) calendar days before the sex offender establishes residency or is temporarily domiciled at the new address;

(iii)(a) Inform the sex offender that if the sex offender changes residency to another state or enters another state to work or attend school, the sex offender must also register in that state regardless of permanent residency.

(b) The sex offender shall register the new address and place of employment, education, higher education, or training with the center and with a designated law enforcement agency in the new state in person not later than ~~three (3) business~~ five (5) calendar days after the sex offender establishes ~~residence~~ residency or is temporarily domiciled in the new state;

(iv) Obtain fingerprints, palm prints, and a photograph of the sex offender if these have not already been obtained in connection with the offense that triggered registration;

(v) Obtain a deoxyribonucleic acid (DNA) sample if one has not already been provided;

(vi) Require the sex offender to complete the entire registration process, including, but not limited to, requiring the sex offender to read and sign a form stating that the duty of the sex offender to register under this subchapter has been explained;

(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 local law enforcement agency having jurisdiction in person no later than ~~three (3) business~~ five (5) calendar days after the sex offender establishes residency;

(viii) Inform a sex offender who has been granted probation that failure to comply with the provisions of this subchapter may be grounds for revocation of the sex offender's probation; and

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

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

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

(B)(i) Any offender required to register as a sex offender must provide a deoxyribonucleic acid (DNA) sample, that is, a blood sample or saliva sample, upon registering if a sample has not already been provided to the State Crime Laboratory.

(ii) Any offender required to register as a sex offender who is entering the State of Arkansas must provide a deoxyribonucleic acid (DNA) sample, that is, a blood sample or saliva sample, upon registration and must pay the mandatory fee of two hundred fifty dollars (\$250) to be deposited into the DNA Detection Fund established by § 12-12-1119.

(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 local law enforcement agency having jurisdiction in person no later than ~~ten (10)~~ five (5) calendar 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 local law enforcement agency having jurisdiction in person and with a designated law enforcement agency in the new state in person not later than ~~three (3) business~~ five (5) calendar days after the sex offender establishes ~~residence~~ residency 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 local law enforcement agency having jurisdiction in person no later than ~~three (3) business~~ five (5) calendar 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 in person 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 3. Arkansas Code § 12-12-906(f), concerning sex offender registration and name changes, is amended to read as follows:

(f)(1) A sex offender required to register 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 local law enforcement agency having jurisdiction in person within ~~ten~~

~~(10)~~ five (5) calendar days after the change in name.

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

SECTION 4. Arkansas Code § 12-12-907(a)(1), concerning reporting sex offender registration to the Arkansas Crime Information Center, is amended to read as follows:

(a)(1) Within three (3) days after registering or updating the registration file of a sex offender, the Department of Correction, the Department of Community Correction, the Department of Human Services, the sentencing court, or the local law enforcement agency having jurisdiction shall report, by ~~written or~~ electronic means, all information obtained from the sex offender and regarding the sex offender to the Arkansas Crime Information Center.

SECTION 5. Arkansas Code § 12-12-907(b)(1)(A), concerning sex offender registration and reporting to law enforcement, is amended to read as follows:

(b)(1)(A) No later than ~~ten (10)~~ five (5) calendar days after release from incarceration or after the date of sentencing, a sex offender shall report in person to the local law enforcement agency having jurisdiction and update the information in the registration file.

SECTION 6. Arkansas Code § 12-12-907(b)(2), concerning reporting a sex offender's registration to the Arkansas Crime Information Center, is amended to read as follows:

(2) Within three (3) days after registering a sex offender or receiving updated registry information on a sex offender, the local law enforcement agency having jurisdiction shall report, by ~~written or~~ electronic means, all information obtained from the sex offender to the center.

SECTION 7. Arkansas Code § 12-12-909(a)(2)(C), concerning sex offender verification, is amended to read as follows:

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

SECTION 8. Arkansas Code § 12-12-909(a)(3) – (6), concerning sex

offender registration and registration verification, are amended to read as follows:

~~(3) If the sex offender 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 sex offender by certified mail;~~

~~(B)(i) The sex offender 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 sex offender and state that the sex offender still resides at the address last reported to the center; and~~

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

~~(4)(3)~~ If the sex offender 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 sex offender is incarcerated.

~~(5)(4)~~ Subdivision (a)(1) of this section applies to a sex offender required to register as a sexually dangerous person, except that the sexually dangerous person shall verify the registration in person every ninety (90) days after the date of the initial release or commencement of parole.

~~(6)(5)~~ Subdivision (a)(1) of this section applies to a sex offender required to register under this subchapter who claims to be homeless except that a sex offender claiming to be homeless shall verify the registration in person every thirty (30) days during the period of time in

which the sex offender is required to register under this subchapter and claims to be homeless.

SECTION 9. Arkansas Code § 12-12-909(b)(1), concerning sex offender registration and changing addresses within the state, is amended to read as follows:

(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 in person no later than ~~ten (10)~~ five (5) calendar 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 in person within ~~three (3)~~ five (5) calendar days after relocating to the new address.

(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 in person within ~~ten (10)~~ five (5) calendar days of the change.

SECTION 10. Arkansas Code § 12-12-909(c)(1), concerning sex offender registration and changing address to another state, is amended to read as follows:

(c)(1) Before a change of address to another state, a sex offender shall register the new address with the local law enforcement agency having jurisdiction in person and with a designated law enforcement agency in the state to which the sex offender moves in person not later than ~~ten (10)~~ five (5) calendar days before the sex offender establishes ~~residence~~ residency or is temporarily domiciled in the new state if the new state has a registration requirement.