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

State of Arkansas
93rd General Assembly
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As Engrossed: H3/11/21
A Bill

HOUSE BILL 1561

By: Representative Gazaway

For An Act To Be Entitled

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

Subtitle

CONCERNING THE DEFINITION OF "TARGET GROUP" AS IT 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 B felonies, 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 B 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, if a firearm was not used or brandished during the commission of the offense;

(b) Endangering the welfare of a minor in the first degree, § 5-27-205;

(c) Theft, § 5-36-101 et seq.;

(d) Theft by receiving, § 5-36-106;

(e) Fraudulent use of a credit card or debit card, § 5-37-207;

(f) Violation of the Arkansas Hot Check Law, § 5-37-301 et seq.;

(g) Criminal mischief in the first degree, § 5-38-203, and criminal mischief in the second degree, § 5-38-204;

(h) Commercial burglary, § 5-39-201(b);

(i) Breaking or entering, § 5-39-202;

(j) Failure to appear, § 5-54-120;

(k) Drug paraphernalia, § 5-64-443;

(l) Driving or boating while intoxicated, § 5-65-103, fourth or subsequent offense;

(m) Leaving the scene of an accident resulting in death or injury, § 27-53-101;

(n) 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;

(o) A controlled substance felony, other than trafficking a controlled substance, § 5-64-440;

(p) An unclassified felony for which the prescribed limitations on the sentence do not exceed the prescribed limitations for a Class B felony and that is not violent or sexual; and

(q) Solicitation, attempt, or conspiracy to commit an offense listed in this subdivision (10)(A)(i).

~~(ii) Offenders committing solicitation, attempt, or conspiracy of the substantive offenses listed in subdivision (10)(A)(i) of this section are also included in the group.~~

~~(iii)~~(ii) As used in this subdivision (10)(A), "violent or sexual" includes:

(a) ~~all offenses~~ An offense 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., and § 5-14-101 et seq.,*~~ *§ 5-13-310, and § 5-14-101 et seq.; and*

(b) ~~any~~ An 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~~ injury, or the creation of a substantial risk of serious physical ~~harm~~ injury, and an offense for which the offender is required to register as a sex offender under the Sex Offender Registration Act of 1997, § 12-12-901 et seq.

~~(iv)~~(iii) 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) Except for those offenders assigned to a technical violator program, only those offenders ~~and offenses~~ falling within the target group population may access community correction facilities whether by judicial transfer, administrative transfer, drug court sanction, or probation sanction.

(C) Final determination of eligibility for placement in any community correction center or program is the responsibility of the Division of Community Correction;

/s/Gazaway