

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

State of Arkansas
93rd General Assembly
Regular Session, 2021

A Bill

HOUSE BILL 1579

By: Representative B. Smith

For An Act To Be Entitled

AN ACT TO CREATE THE TERRORISM OFFENDER REGISTRATION
ACT OF 2021; AND FOR OTHER PURPOSES.

Subtitle

TO CREATE THE TERRORISM OFFENDER
REGISTRATION ACT OF 2021.

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

SECTION 1. Arkansas Code Title 12, Chapter 12, is amended to add an additional subchapter to read as follows:

Subchapter 20 – Terrorism Offender Registration Act of 2021

12-12-2001. Title.

This subchapter shall be known and may be cited as the “Terrorism Offender Registration Act of 2021”.

12-12-2002. Definitions.

As used in this subchapter:

(1) “Change of address” means a change of residence or a change for more than thirty (30) days of a temporary domicile, change of location of employment, education or training, or any other change that alters where a terrorism offender regularly spends a substantial amount of time;

(2) “Criminal justice agency” means a government agency or any subunit of a government agency that is authorized by law to perform the administration of criminal justice and which allocates more than one-half



(1/2) of its annual budget to the administration of criminal justice;

(3) "Local law enforcement agency having jurisdiction" means the:

(A) Chief law enforcement officer of the municipality in which a terrorism offender:

(i) Resides or expects to reside;

(ii) Is employed; or

(iii) Is attending an institution of training or education; or

(B) County sheriff, if:

(i) The municipality does not have a chief law enforcement officer; or

(ii) A terrorism offender resides or expects to reside, is employed, or is attending an institution of training or education in an unincorporated area of a county;

(4) "Terrorism offender" means a person convicted of a terrorism offense; and

(5) "Terrorism offense" means an offense under § 5-54-201 et seq., and includes any substantially similar offense under the laws of another state, or under any military, territorial, tribal, or federal law.

12-12-2003. Duty to register or verify registration – Review of requirements with offenders.

(a)(1)(A)(i) At the time of adjudication of guilt, the sentencing court shall enter on the judgment and commitment or judgment and disposition form that the offender is required to register as a terrorism offender.

(ii) If the sentencing court finds the offender is required to register as a terrorism offender, then at the time of adjudication of guilt the sentencing court shall require the terrorism offender to complete the terrorism offender registration form prepared by the Director of the Arkansas Crime Information Center under this subchapter and shall forward the completed terrorism offender registration form to the Arkansas Crime Information Center.

(B)(i) The Division of Correction shall ensure that a terrorism offender received for incarceration has completed the terrorism offender registration form.

(ii) If the Division of Correction cannot confirm that the terrorism offender has completed the terrorism offender registration form, the Division of Correction shall require the terrorism offender to complete the terrorism offender registration form upon intake, release, or discharge.

(C)(i) The Division of Community Correction shall ensure that a terrorism offender placed on probation or another form of community supervision has completed the terrorism offender registration form.

(ii) If the Division of Community Correction cannot confirm that the terrorism offender has completed the terrorism offender registration form, the Division of Community Correction shall require the terrorism offender to complete the terrorism offender registration form upon intake, release, or discharge.

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

(B) A person living in this state who would be required to register as a terrorism offender in the jurisdiction in which he or she was adjudicated guilty or delinquent of a terrorism offense shall register as a terrorism offender in this state whether living, working, or attending school or other training in Arkansas.

(C) A terrorism offender sentenced and required to register outside of Arkansas shall:

(i) Submit to assessment by Community Notification Assessment if he or she is at least eighteen (18) years of age at the time he or she enters this state to live, work, or attend school;

(ii) Provide a deoxyribonucleic acid (DNA) sample if a sample is not already accessible to the State Crime Laboratory; and

(iii)(a) Pay the mandatory fee of two hundred fifty dollars (\$250) to be deposited into the DNA Detection Fund established by § 12-12-1119 within ninety (90) days from the date of registration.

(b) Failure to pay the fee required under

subdivision (a)(2)(C)(iii)(a) of this section is a Class A misdemeanor.

(b)(1) The registration file of a terrorism offender who is confined in a correctional facility or serving a commitment following acquittal on the grounds of mental disease or defect shall be inactive until the registration file is updated by the state agency responsible for supervision of the terrorism offender.

(2) Immediately prior to the release or discharge of a terrorism offender or immediately following a terrorism offender's escape or his or her absconding from supervision, the Division of Correction, the Division of Community Correction, the Arkansas State Hospital, or the Department of Human Services shall update the registration file of the terrorism offender who is to be released or discharged or who has escaped or has absconded from supervision.

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

(i) Inform the terrorism offender of the duty to submit to assessment and to register and obtain the information required for registration as described under this subchapter;

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

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

(b) The terrorism 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 five (5) calendar days after the offender establishes residency or is temporarily domiciled in the new state;

(iv) Obtain fingerprints, palm prints, and a photograph of the terrorism 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 terrorism offender to complete the entire registration process, including, but not limited to, requiring the offender to read and sign a form stating that the duty of the terrorism offender to register under this subchapter has been explained;

(vii) Inform the terrorism offender that if the offender's address changes within the state or to another state due to an eviction, natural disaster, or any other unforeseen circumstance, the offender shall give the new address to the local law enforcement agency having jurisdiction in person no later than five (5) calendar days after the offender establishes residency;

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

(ix) Inform a terrorism offender subject to registration under this subchapter of the duty to:

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

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

(B)(i) An offender required to register as a terrorism 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) An offender required to register as a terrorism 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 terrorism offender, the Division of Correction, the Division of Community Correction, the Arkansas State Hospital, or the Department of Human Services shall:

(A) Review with the terrorism offender the duty to register and obtain current information required for registration as described under this subchapter;

(B) Review with the terrorism offender the requirement that if the terrorism offender changes address within the state, the terrorism offender shall give the new address to the local law enforcement agency having jurisdiction in person no later than five (5) calendar days before the terrorism offender establishes residency or is temporarily domiciled at the new address;

(C) Review with the terrorism offender the requirement that if the terrorism offender changes address to another state, the terrorism 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 five (5) calendar days after the terrorism offender establishes residency or is temporarily domiciled in the new state if the new state has a registration requirement;

(D) Require the terrorism offender to read and sign a form stating that the duty of the terrorism offender to register under this subchapter has been reviewed;

(E) Inform the terrorism offender that if the terrorism offender's address changes within the state or to another state due to an eviction, natural disaster, or any other unforeseen circumstance, the terrorism offender shall give the new address to the local law enforcement agency having jurisdiction in person no later than five (5) calendar days after the terrorism offender establishes residency;

(F) Review with the terrorism offender the consequences of failure to provide any information required by subdivisions (f)(3)-(7) of this section;

(G) Inform a terrorism offender subject to lifetime registration under this subchapter of the duty to:

(i) Verify registration and report the information required for registration verification as described in subdivisions (f)(3)-

(7) of this section; and

(ii) Ensure that the information required for registration verification under subdivisions (f)(3)-(7) of this section is provided in person to the local law enforcement agency having jurisdiction; and

(H) Review with a terrorism offender subject to lifetime registration under this subchapter the consequences of failure to verify registration under this subchapter.

(d) A terrorism offender working, enrolled, or volunteering in a public or private elementary, secondary or postsecondary school, or institution of training shall notify the local law enforcement agency having jurisdiction in person of that status and shall register in person with the local law enforcement agency having jurisdiction over that campus.

(e)(1) A terrorism offender required to register under this subchapter shall not change his or her name unless the change is:

(A) Incidental to a change in the marital status of the terrorism offender; or

(B) Necessary to effect the exercise of the religion of the terrorism offender.

(2) The change in the terrorism offender's name shall be reported to the local law enforcement agency having jurisdiction in person within five (5) calendar days after the change in name.

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

(f)(1) A terrorism offender subject to registration under this subchapter shall report in person every six (6) months after registration to the local law enforcement agency having jurisdiction to verify registration.

(2)(A) The local law enforcement agency having jurisdiction may determine the appropriate times and days for in-person reporting by the terrorism offender, and the determination shall be consistent with the reporting requirements of subdivision (f)(1) of this section.

(B)(i) If the day a terrorism offender is scheduled to report under this section passes before the day a local law enforcement agency having jurisdiction has determined as appropriate, the terrorism offender shall not be considered out of compliance if he or she reports at the next date set by the local law enforcement agency having jurisdiction.

(ii) If a local law enforcement agency having

jurisdiction sets specific times and days for reporting, then the local law enforcement agency having jurisdiction shall have the appropriate staff available at those times and days for a terrorism offender to report under this section.

(3) Registration verification shall include reporting in person any change to the following information concerning the terrorism offender:

(A) Name;

(B) Social Security number;

(C) Age;

(D) Race;

(E) Gender;

(F) Date of birth;

(G) Height;

(H) Weight;

(I) Hair and eye color;

(J)(i) Address of any permanent residence and address of any current temporary residence within this state or out of this state, including a rural route address and a post office box.

(ii) A post office box shall not be provided in lieu of a physical residential address;

(K) Date and place of any employment or volunteer work;

(L) Vehicle make, model, color, and license plate number that the terrorism offender owns, operates, or to which he or she has access;

(M)(i) Fingerprints.

(ii) If the local law enforcement agency having jurisdiction cannot confirm that the terrorism offender's fingerprints are contained in the automated fingerprint identification system, the local law enforcement agency having jurisdiction shall:

(a) Take the terrorism offender's fingerprints in person at an office of the local law enforcement agency having jurisdiction; and

(b) Submit the fingerprints to the center and to the Division of Arkansas State Police.

(iii) If the local law enforcement agency having jurisdiction cannot confirm that the terrorism offender's palm prints are contained in the automated palm print identification system, the local law

enforcement agency having jurisdiction shall:

(a) Take the terrorism offender's palm prints in person at an office of the local law enforcement agency having jurisdiction; and

(b) Submit the palm prints to the center and to the Division of Arkansas State Police;

(N)(i) Photograph.

(ii) The local law enforcement agency having jurisdiction shall take a photograph of the terrorism offender at each registration verification in person at an office of the local law enforcement agency having jurisdiction and submit the photograph to the center;

(O) All computers or other devices with internet capability to which the terrorism offender has access;

(P) All email addresses used by the terrorism offender;

(Q)(i) Passport.

(ii) The local law enforcement agency having jurisdiction shall obtain a copy of any passport issued to the person by any country in the terrorism offender's name in person at an office of the local law enforcement agency having jurisdiction at each registration verification and submit the copy of any passport to the center;

(R)(i) Immigration documentation.

(ii) The local law enforcement agency having jurisdiction shall obtain a copy of any immigration documents issued to the terrorism offender by any country in person at an office of the local law enforcement agency having jurisdiction at each registration verification and submit a copy of the documents to the center;

(S)(i) Professional licenses and permits.

(ii) The local law enforcement agency having jurisdiction shall obtain a copy of any federal, state, or local professional license or permit issued to the terrorism offender in person at an office of the local law enforcement agency having jurisdiction at each registration verification and submit a copy of the documents to the center; and

(T) All social media account information.

(4) If the terrorism offender is enrolled or employed at an institution of higher education in this state, the terrorism offender shall also report in person to the local law enforcement agency having

jurisdiction:

(A) The name and address of each institution of higher education where he or she is enrolled or employed, including each campus attended;

(B) The county where each campus is located; and

(C) His or her enrollment or employment status.

(5) If the place of residence of the terrorism offender is a motor vehicle, trailer, mobile home, modular home, or manufactured home, the terrorism offender shall report in person the following information concerning the motor vehicle, trailer, mobile home, modular home, or manufactured home:

(A) Vehicle identification number;

(B) License tag number;

(C) Registration number; and

(D) A description, including color scheme.

(6) If the place of residence of the terrorism offender is a vessel, live-aboard vessel, or houseboat, the terrorism offender shall report in person the following information concerning the vessel, live-aboard vessel, or houseboat:

(A) Hull identification number;

(B) Manufacturer's serial number;

(C) Name;

(D) Registration number; and

(E) A description, including color scheme.

(7) If a person who is required to register as a terrorism offender owns an aircraft, the person shall provide in person the following information concerning the aircraft:

(A) The aircraft registration number;

(B) The manufacturer and model of the aircraft; and

(C) A description of the color scheme of the aircraft.

(g) After verifying the registration of a terrorism offender under subsection (f) of this section the local law enforcement agency having jurisdiction shall file the verification with the center in accordance with this subchapter.

12-12-2004. Duty to register or verify registration generally – Review

of requirements with offenders.

(a)(1)(A) Upon conviction, a person is guilty of a Class C felony who:

(i) Fails to register or verify registration as required under this subchapter;

(ii) Fails to report in person a change of address, employment, education, or training as required under this subchapter;

(iii) Refuses to cooperate with the assessment process as required under this subchapter; or

(iv) Files false paperwork or documentation regarding verification, change of information, or a petition to be removed from the registration requirements under this subchapter.

(B)(i) Upon conviction, a terrorism offender who fails or refuses to provide any information necessary to update his or her registration file as required under this section is guilty of a Class C felony.

(ii) If a terrorism offender fails or refuses to provide any information necessary to update his or her registration file as required under this subchapter as soon as administratively feasible the Division of Correction, the Division of Community Correction, or the Department of Human Services shall contact the local law enforcement agency having jurisdiction to report the violation of subdivision (a)(1)(B)(i) of this section.

(2) It is an affirmative defense to prosecution if the person:

(A) Delayed reporting a change in address because of:

(i) An eviction;

(ii) A natural disaster; or

(iii) Any other unforeseen circumstance; and

(B) Provided the new address to the local law enforcement agency having jurisdiction in person no later than five (5) business days after the person establishes residency.

(b) An agency or official subject to reporting requirements under this subchapter that knowingly fails to comply with the reporting requirements under this subchapter is guilty of a Class B misdemeanor.

12-12-2005. Applicability.

(a) The registration or registration verification requirements of this

subchapter apply to a person who:

(1) Is adjudicated guilty on or after the effective date of this act, of a terrorism offense;

(2) Is serving a sentence of incarceration, probation, parole, or other form of community supervision as a result of an adjudication of guilt on or after the effective date of this act for a terrorism offense;

(3) Is acquitted on or after the effective date of this act on the grounds of mental disease or defect for a terrorism offense; and

(4) Is serving a commitment as a result of an acquittal on or after the effective date of this act on the grounds of mental disease or defect for a terrorism offense.

(b) A person who has been adjudicated guilty of a terrorism offense and whose record of conviction will be expunged under the provisions of §§ 16-93-301 – 16-93-303 is not relieved of the duty to register or verify registration.

(c)(1) If the underlying conviction of the registrant is reversed, vacated, or set aside or if the registrant is pardoned, the registrant is relieved from the duty to register or verify registration.

(2) Registration or registration verification shall cease upon the receipt and verification by the Arkansas Crime Information Center of documentation from the:

(A) Court verifying the fact that the conviction has been reversed, vacated, or set aside; or

(B) Governor's office that the Governor has pardoned the registrant.

12-12-2006. Report to Arkansas Crime Information Center – Report to law enforcement agency.

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

(2) The center shall immediately enter the information into its

record system for maintenance in a central registry and notify the local law enforcement agency having jurisdiction.

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

(B) If the terrorism offender is not already registered, the local law enforcement agency having jurisdiction shall register the terrorism offender in accordance with this subchapter.

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

(3) The local law enforcement agency having jurisdiction shall verify the address of terrorism offenders on a semiannual basis.

(4) The center shall have access to the offender tracking systems of the Division of Correction and the Division of Community Correction to confirm the location of registrants.

(c) The center shall establish an alert on the criminal history record information of each person who is required to register under this subchapter that would be visible and accessible to law enforcement agencies and law enforcement officers while in the performance of their duties.

12-12-2007. Registration format – Requirements.

(a) The Director of the Arkansas Crime Information Center shall prepare the format for registration as required in subsection (b) of this section and shall provide instructions for registration to each organized full-time municipal police department, county sheriff's office, the Division of Correction, the Division of Community Correction, the Department of Human Services, and the Administrative Office of the Courts.

(b) The registration file required by this subchapter shall include:

(1) The terrorism offender's full name and all aliases that the terrorism offender has used or under which the terrorism offender has been known;

(2) Date of birth;

(3) Sex;

- (4) Race;
 - (5) Height;
 - (6) Weight;
 - (7) Hair and eye color;
 - (8) Address of any temporary residence;
 - (9) Anticipated address of legal residence;
 - (10) Driver's license number or state identification number, if available;
 - (11) Social Security number;
 - (12) Place of employment, education, or training;
 - (13) Photograph, if not already obtained;
 - (14) Fingerprints, if not already obtained;
 - (15) Date of arrest, arresting agency, offense for which convicted or acquitted, and arrest tracking number for each adjudication of guilt or acquittal on the grounds of mental disease or defect;
 - (16) A brief description of the crime or crimes for which registration is required;
 - (17) A statement in writing signed by the terrorism offender acknowledging that the terrorism offender has been advised of the duty to register imposed by this subchapter;
 - (18) All computers or other devices with internet capability to which the terrorism offender has access;
 - (19) All email addresses used by the terrorism offender;
 - (20) Any other information that the center deems necessary, including without limitation:
 - (A) Criminal and corrections records;
 - (B) Nonprivileged personnel records;
 - (C) Treatment and abuse registry records; and
 - (D) Evidentiary genetic markers; and
 - (21) All social media account information.
- (c) Certain information such as Social Security number, driver's license number, employer, email addresses, user names, screen names, or instant message names, information that may lead to identification of a victim of the terrorism offender, and other similar information may be excluded from the information that is released during the course of notification.

12-12-2008. Verification form – Change of address.

(a)(1) A terrorism offender required to register under this subchapter shall verify registration in person every six (6) months after the terrorism offender's initial registration date during the period of time in which the terrorism offender is required to register.

(2)(A)(i)(a) The verification shall be done in person at a local law enforcement agency having jurisdiction at which time the terrorism offender shall sign and date a Terrorism Offender Acknowledgment Form and a law enforcement officer shall also witness and sign the Terrorism Offender Acknowledgment Form.

(b) The Arkansas Crime Information Center shall create a uniform Terrorism Offender Acknowledgement Form required under this section.

(ii) The Terrorism Offender Acknowledgment Form shall state the date of verification as well as a date that the terrorism offender is required to return in person to a specific local law enforcement agency having jurisdiction to verify his or her address.

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

(3) If the terrorism offender changes his or her address without notice, 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 terrorism offender is incarcerated.

(4) Subdivision (a)(1) of this section applies to a terrorism offender required to register under this subchapter who claims to be homeless except that a terrorism offender claiming to be homeless shall verify the registration in person every thirty (30) days during the period of time in which the terrorism offender is required to register under this subchapter and claims to be homeless.

(b)(1)(A) Before a change of address within the state, a terrorism offender shall report the change of address to the local law enforcement agency having jurisdiction in person no later than five (5) calendar days before the terrorism offender establishes residency or is temporarily

domiciled at the new address.

(B) The terrorism offender shall report to the local law enforcement agency having jurisdiction of the new address in person within 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 terrorism 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 five (5) calendar days of the change.

(2) When a change of address within the state is reported to the center, the center shall immediately report the change of address to the local law enforcement agency having jurisdiction where the terrorism offender expects to reside.

(c)(1) Before a change of address to another state, a terrorism 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 terrorism offender moves in person not later than five (5) calendar days before the terrorism offender establishes residency or is temporarily domiciled in the new state if the new state has a registration requirement.

(2) When a change of address to another state is reported to the center, the center shall immediately notify the law enforcement agency with which the terrorism offender must register in the new state if the new state has a registration requirement.

(d) The center shall require a terrorism offender to report any change of information through the local law enforcement agency having jurisdiction.

12-12-2009. Fine.

(a) The sentencing court shall assess at the time of sentencing a mandatory fine of two hundred fifty dollars (\$250) on any person who is required to register under this subchapter.

(b)(1) A person who relocates to this state and was convicted of an

offense in another state that requires registration in this state shall pay a fee of two hundred fifty dollars (\$250) within ninety (90) days from the date of registration.

(2)(A) A person who fails to pay the fee required under subdivision (b)(1) of this section upon conviction is guilty of a Class A misdemeanor.

(B) The person required to register has an affirmative defense to failure to pay a fee if he or she shows that his or her failure to pay the fee was not attributable to a:

(i) Purposeful refusal to obey the sentence of the court; or

(ii) Failure on the defendant's part to make a good faith effort to obtain the funds required for payment.

12-12-2010. Arrest for violations.

(a) In order for a terrorism offender to be charged with the commission of a violation of this subchapter so that an arrest warrant may be issued, the local law enforcement agency having jurisdiction shall notify the prosecutor when the local law enforcement agency having jurisdiction has reasonable grounds for believing that a terrorism offender is not registered, has not reported a change of address or change of any other information required to be provided by the terrorism offender, or has not verified the terrorism offender's address in violation of this subchapter.

(b) The address of a terrorism offender as listed in the terrorism offender's registration file shall determine which local law enforcement agency has jurisdiction.

(c) A law enforcement officer shall arrest a terrorism offender when a warrant has been issued for the terrorism offender's arrest, the law enforcement officer has probable cause to believe that a terrorism offender has committed an offense under this subchapter, or the law enforcement officer has reasonable grounds for believing that a terrorism offender is not registered or has not reported a change of address or change of any other information required to be provided by the terrorism offender in violation of this subchapter.

12-12-2011. Disclosure.

(a)(1) Registration records maintained under this subchapter shall be open to any criminal justice agency in this state, the United States Government, or any other state.

(2) Registration records may also be open to government agencies authorized by law to conduct confidential background checks.

(b)(1) A local law enforcement agency having jurisdiction that decides to disclose information under this section shall make a good faith effort to notify the public and residents at least fourteen (14) days before a terrorism offender is released or placed into the community.

(2) If a change occurs in a terrorism offender's release plan, this notification provision shall not require an extension of the release date.

(3) In conjunction with the notice provided under this section, the Division of Correction, the Division of Community Correction, and the Department of Human Services shall make available to a local law enforcement agency having jurisdiction all information that the Division of Correction, the Division of Community Correction, and the Department of Human Services have concerning the terrorism offender, including information on risk factors in the terrorism offender's history.

(c)(1) A local law enforcement agency having jurisdiction that decides to disclose information under this section shall make a good faith effort to conceal the identity of the victim or victims of the terrorism offender's offense.

(2) Information under this section is not subject to disclosure under the Freedom of Information Act of 1967, § 25-19-101 et seq.

(d) A local law enforcement agency having jurisdiction may continue to disclose information on a terrorism offender under this section for as long as the terrorism offender is required to be registered under this subchapter.

(e)(1) The State Board of Education and the Career Education and Workforce Development Board shall promulgate guidelines for the disclosure to students and parents of information regarding a terrorism offender when such information is released to a local school district or institution of vocational training by a local law enforcement agency having jurisdiction.

(2) The Arkansas Higher Education Coordinating Board shall promulgate guidelines for the disclosure to students of information regarding a terrorism offender when information regarding a terrorism offender is

released to an institution of higher education by a local law enforcement agency having jurisdiction.

(3) In accordance with guidelines promulgated by the State Board of Education, the board of directors of a local school district or institution of vocational training shall adopt a written policy regarding the distribution to students and parents of information regarding a terrorism offender.

(4) In accordance with guidelines promulgated by the Arkansas Higher Education Coordinating Board, the board of directors of an institution of higher education shall adopt a written policy regarding the distribution to students of information regarding a terrorism offender.

(f) This section does not prevent a law enforcement officer from notifying members of the public about a person who may pose a danger to the public for a reason that is not enumerated in this subchapter.

(g) The medical records or treatment evaluations of a terrorism offender are not subject to disclosure under the Freedom of Information Act of 1967, § 25-19-101 et seq.

12-12-2012. Notice of release.

(a) The Division of Correction shall provide notice by written or electronic means to the Arkansas Crime Information Center of the anticipated release from incarceration in a county or state penal institution of a person serving a sentence for a terrorism offense.

(b)(1)(A) If available, the notice required in subsection (a) of this section shall be provided to the center ninety (90) days before the offender's anticipated release.

(B) However, a good faith effort shall be made to provide the notice at least thirty (30) days before release.

(2) The notice shall include the person's name, identifying factors, offense history, and anticipated future residence.

(c) Upon receipt of notice, the center shall provide notice by written or electronic means to:

(1) The local law enforcement agency having jurisdiction; and

(2) Other state and local law enforcement agencies as appropriate for public safety.

12-12-2013. Authority – Rules.

The Division of Correction, the Division of Community Correction, the Department of Human Services, the Administrative Office of the Courts, and the Arkansas Crime Information Center shall promulgate rules to establish procedures for:

- (1) Notifying the terrorism offender of the obligation to register under this subchapter; and
- (2) Registering the terrorism offender.

12-12-2014. Publication and notice of obligation to register.

The Office of Driver Services of the Department of Finance and Administration shall provide notice of the obligation to register under this subchapter in connection with each driver's license issued under § 27-16-801 and each identification card issued under § 27-16-805.

12-12-2015. Termination of obligation to register.

(a) A terrorism offender required to register under this subchapter may apply for an order terminating the obligation to register to the sentencing court fifteen (15) years after the date the terrorism offender first registered in Arkansas.

(b) If the terrorism offender was incarcerated in a correctional facility, the date the terrorism offender first registered in Arkansas is the date the terrorism offender registered upon his or her release from the correctional facility.

(c) After fifteen (15) years of having been registered as a terrorism offender in Arkansas, an offender sentenced in another state but permanently residing in Arkansas may apply for an order terminating the obligation to register in the circuit court of the county in which the terrorism offender resides or has last resided within this state.

(d)(1) The court shall hold a hearing on the application at which the applicant and any interested persons may present witnesses and other evidence.

(2) No less than twenty (20) days before the date of the hearing on the application, a copy of the application for termination of the obligation to register shall be served on:

- (A)(i) The prosecutor of the county in which the

adjudication of guilt triggering registration was obtained if the terrorism offender was convicted in this state; or

(ii) The prosecutor of the county where a terrorism offender resides if the terrorism offender was convicted in another state; and

(B) The Arkansas Crime Information Center and the Community Notification Assessment.

(3) If the terrorism offender has not been assessed in the five (5) years before making a request to terminate the obligation to register under this section, the prosecuting attorney may request a reassessment and an order terminating the obligation to register shall not be granted without a reassessment.

(4) The court shall grant an order terminating the obligation to register upon proof by a preponderance of the evidence that:

(A) The applicant, for a period of fifteen (15) years after the applicant was released from prison or other institution or placed on parole, supervised release, or probation has not been adjudicated guilty of a terrorism offense; and

(B) The applicant is not likely to pose a threat to the safety of others.

(5) The court shall grant an order under this subdivision (d)(5) terminating the obligation to register upon proof by a preponderance of the evidence that the facts underlying the offense for which the terrorism offender is required to register no longer support a requirement to register.

(6) If a court denies a petition to terminate the obligation to register under this section, the terrorism offender may not file a new petition to terminate the obligation to register under this section before three (3) years from the date the order denying the previous petition was filed.

(e) The center shall remove a terrorism offender from the registry upon receipt by the center of adequate proof that the terrorism offender has died.

12-12-2016. Immunity from civil liability.

(a) Public officials, public employees, and public agencies are immune from civil liability for good faith conduct under this subchapter.

(b) This subchapter does not impose any liability upon or give rise to a cause of action against any public official, public employee, or public agency for any discretionary decision to release relevant and necessary information, unless it is shown that the public official, public employee, or public agency acted with gross negligence or in bad faith.

(c) The provisions of this section shall also apply to persons or organizations assisting a public official, public employee, or public agency in performing official duties upon a written request to assist them by the public official, public employee, or public agency.

12-12-2017. Disclosure and notification concerning out-of-state terrorism offenders moving into Arkansas.

(a) A local law enforcement agency having jurisdiction where an out-of-state terrorism offender is moving or has moved may make immediate disclosure of the terrorism offender's registration in another state before the completion of a terrorism offender assessment assigning a community notification risk level.

(b) A local law enforcement agency having jurisdiction where an out-of-state individual is moving or has moved who has been convicted of an offense that would require registration as a terrorism offender in Arkansas may make immediate notification appropriate for public safety before the completion of a terrorism offender assessment assigning a community notification risk level.

12-12-2018. Travel outside of the United States.

(a) A terrorism offender who is required to register under this subchapter must report in person at least twenty-one (21) days before traveling outside of the United States to the local law enforcement agency having jurisdiction that he or she intends to travel outside of the United States.

(b) The terrorism offender making the report in person under this section must also report in person to the local law enforcement agency having jurisdiction:

(1) The dates of travel; and

(2) The foreign country, colony, territory, or possessions that the terrorism offender will visit.

(c) A local law enforcement agency having jurisdiction receiving a report under this section shall immediately report the information to the Arkansas Crime Information Center.

12-12-2019. Release of motor vehicle records by the Department of Finance and Administration.

(a) The Department of Finance and Administration may release to a law enforcement officer or agency information contained in a person's motor vehicle record if:

(1) The information is required for the law enforcement officer or agency to comply with this subchapter; and

(2) The use of the information by the law enforcement officer or agency is related to public safety.

(b) A law enforcement officer or agency that obtains a record from the department as provided in subsection (a) of this section may publicly disclose information contained in a person's motor vehicle record if the disclosure of the information is:

(1) Required by this subchapter; and

(2) Related to public safety.

(c) This section does not authorize a law enforcement officer or agency to publicly disclose the following information obtained from a motor vehicle record:

(1) A person's Social Security number; or

(2) A person's medical or disability information.

12-12-2020. Registered offender prohibited from holding position of public trust – Definition.

(a) As used in this section, "position of public trust" means a position that:

(1) Is in a public agency that provides public safety services, including without limitation a fire department, law enforcement agency, or emergency medical services agency; and

(2) As part of the ordinary course of the duties of the position, requires a person holding the position to have direct physical contact with or come within the immediate vicinity of a member of the public outside of the building in which the public agency is located.

(b) A terrorism offender who is required to register under this subchapter may not hold a position of public trust.