

State of Arkansas
93rd General Assembly
Regular Session, 2021

A Bill

HOUSE BILL 1652

By: Representatives McCullough, Gazaway

For An Act To Be Entitled

AN ACT CONCERNING A PROHIBITION FROM A PERSON
REQUIRED TO REGISTER AS A SEX OFFENDER FROM RESIDING
WITH A MINOR; AND FOR OTHER PURPOSES.

Subtitle

CONCERNING A PROHIBITION FROM A PERSON
REQUIRED TO REGISTER AS A SEX OFFENDER
FROM RESIDING WITH A MINOR.

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

SECTION 1. Arkansas Code § 12-12-906(a)(1)(A), concerning registration requirements for a person required to register as a sex offender, is amended to read as follows:

(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 sex offender and is prohibited from residing in a residence with a minor unless the sentencing court makes a specific finding based on the assessment required under § 12-12-917 that the sex offender poses no danger to any minor residing in the residence.

(ii) The sentencing court shall also indicate
whether the:

- (a) Offense is an aggravated sex offense;
- (b) Sex offender has been adjudicated guilty of a prior sex offense under a separate case number; or
- (c) Sex offender has been classified as a



sexually dangerous person.

~~(ii)~~(iii) If the sentencing court finds the offender is required to register as a sex offender, then at the time of adjudication of guilt the sentencing court shall require the sex offender to complete the sex offender registration form prepared by the Director of the Arkansas Crime Information Center pursuant to § 12-12-908 and shall forward the completed sex offender registration form to the Arkansas Crime Information Center.

~~(iii)~~(iv) A sex offender is not required to register as a sex offender under this subchapter if the:

(a) Victim was under eighteen (18) years of age and the sex offender was no more than three (3) years older than the victim at the time of the sex offense;

(b) Court determines that there was no evidence of force, compulsion, threat, or intimidation in the commission of the sex offense; and

(c) Court does not otherwise order registration under § 12-12-903(13)(B)(i).