

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: S4/20/21
A Bill

SENATE BILL 633

By: Senator T. Garner

For An Act To Be Entitled

AN ACT TO AMEND THE SEX OFFENDER REGISTRATION ACT OF 1997; TO ADD TO THE LIST OF SEX OFFENDERS OR PERSONS CHARGED WITH A SEX OFFENSE SUBJECT TO ELECTRONIC MONITORING; AND FOR OTHER PURPOSES.

Subtitle

TO AMEND THE SEX OFFENDER REGISTRATION ACT OF 1997; AND TO ADD TO THE LIST OF SEX OFFENDERS OR PERSONS CHARGED WITH A SEX OFFENSE SUBJECT TO ELECTRONIC MONITORING.

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

SECTION 1. Arkansas Code § 12-12-923 is amended to read as follows:
12-12-923. Electronic monitoring of sex offenders.

(a)(1) Upon release from incarceration, ~~a sex offender determined to be a sexually dangerous person whose crime was committed after April 7, 2006,~~ is the following sex offenders are subject to electronic monitoring for a period of not less than ten (10) years from the date of the sex offender's release:

(A) A sex offender determined to be a sexually dangerous person under § 12-12-918; and

(B) A sex offender adjudicated guilty of an aggravated sex offense involving a minor.

(2) Within three (3) days after release from incarceration, a sex offender subject to electronic monitoring under subdivision (a)(1) of



this section shall:

(A) Report to the agency responsible under § 12-12-915 for supervising the sex offender; and

(B) Submit to the placement of electronic monitoring equipment upon his or her body.

(b) The agency responsible under § 12-12-915 for supervising the sex offender subject to electronic monitoring shall:

(1) Use a system that actively monitors and identifies the sex offender's location and timely reports or records his or her presence near or within a crime scene or in a prohibited area or his or her departure from specified geographic limitations; and

(2) Contact the local law enforcement agency having jurisdiction as soon as administratively feasible if the sex offender is in a prohibited area.

(c)(1)(A) Unless a sex offender subject to electronic monitoring is indigent, he or she is required to reimburse the supervising agency a reasonable fee to defray the supervision costs.

(B)(i)(a) A sex offender who claims to be indigent shall provide a completed certificate of indigency to the supervising agency.

(b) The supervising agency may at any time review and redetermine whether a sex offender is indigent.

(ii) The certificate of indigency shall:

(a) Be in a form approved by the supervising agency;

(b) Be executed under oath by the sex offender; and

(c) State in bold print that a false statement *is punishable as a Class D felony.*

(C) Upon a finding of indigency, the supervision costs of an indigent sex offender shall be paid by the Division of Community Correction, regardless of the identity of the supervising agency.

(2)(A) The supervising agency shall determine the amount to be paid by a sex offender based on his or her financial means and ability to pay.

(B) However, the amount under subdivision (c)(2)(A) of this section shall not exceed fifteen dollars (\$15.00) per day.

(d) A sex offender subject to electronic monitoring who violates subdivision (a)(2) of this section upon conviction is guilty of a Class C felony.

(e)(1) A person who knowingly alters, tampers with, damages, or destroys any electronic monitoring equipment worn by a sexually dangerous person under this section upon conviction is guilty of a Class C felony.

(2) Subdivision (e)(1) of this section does not apply to the owner of the electronic monitoring equipment or an agent of the owner performing ordinary maintenance or repairs to the electronic monitoring equipment.

(f)(1) The Parole Board, the Division of Community Correction, or a circuit court may require, as a condition of a sex offender's release on parole, probation, suspend imposition of sentence, court referral officer supervision, or any other community-based correctional option, that any person convicted of a sex offense be subject to electronic monitoring as provided in this subchapter.

(2) A circuit court may require that a person charged with but not yet convicted of a sex offense be subject to electronic monitoring as a condition of the person's pretrial release.

/s/T. Garner