

State of Arkansas  
94th General Assembly  
Regular Session, 2023

# A Bill

SENATE BILL 582

By: Senator Irvin

## For An Act To Be Entitled

AN ACT TO PERMIT SENTENCE ENHANCEMENT FOR CERTAIN SEX OFFENDERS; TO PROVIDE FOR THE ADMINISTRATION OF MEDROXYPROGESTERONE ACETATE TREATMENT FOR CERTAIN SEX OFFENDERS; AND FOR OTHER PURPOSES.

## Subtitle

TO PERMIT SENTENCE ENHANCEMENT FOR CERTAIN SEX OFFENDERS; AND TO PROVIDE FOR THE ADMINISTRATION OF MEDROXYPROGESTERONE ACETATE TREATMENT FOR CERTAIN SEX OFFENDERS.

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

SECTION 1. Arkansas Code Title 5, Chapter 4, Subchapter 7, is amended to add an additional section to read as follows:

5-4-708. Administration of medroxyprogesterone acetate to certain sex offenders.

(a)(1) Subject to subsection (b) of this section, a person who commits a first offense of any of the following offenses, upon conviction, may be subject to an enhanced sentence of medroxyprogesterone acetate treatment ordered by the court under a schedule of administration ordered by the court and administered and monitored by the Department of Corrections, if the victim of the offense was twelve (12) years of age or younger:

(A) Rape, § 5-14-103;

(B) Sexual assault in the first degree, § 5-14-124; or

(C) Sexual assault in the second degree, § 5-14-125.



(2) A person who commits a second or subsequent offense of an offense listed in subdivision (a)(1) of this section, if the victim of the offense was twelve (12) years of age or younger, upon conviction shall be subject to an enhanced sentence of medroxyprogesterone acetate treatment ordered by the court and under a schedule of administration monitored by the Department of Corrections.

(b)(1) An order of a court sentencing a defendant to medroxyprogesterone acetate treatment under this section shall be contingent upon a determination by a medical expert appointed by the court that the defendant is an appropriate candidate for medroxyprogesterone acetate treatment.

(2) The determination of the medical expert under subdivision (b)(1) of this section shall be made not later than sixty (60) days from the imposition of sentence.

(3) An order of the court sentencing a defendant to medroxyprogesterone acetate treatment under this section shall specify the duration of medroxyprogesterone acetate treatment for a specific term of years, or in the discretion of the court, up to the life of the defendant.

(c)(1) The department shall provide the services necessary to administer and monitor medroxyprogesterone acetate treatment.

(2) In a case involving a defendant sentenced to a period of incarceration or confinement in an institution, the treatment under this section with medroxyprogesterone acetate shall commence not later than one (1) week prior to the defendant's release from prison or such institution.

(3) This section does not require continued medroxyprogesterone acetate treatment under this section when it is not medically appropriate.

(d)(1) If a court sentences a defendant to medroxyprogesterone acetate treatment under this section, treatment may not be imposed as a substitute for a penalty or to reduce any other penalty prescribed by law.

(2) However, instead of medroxyprogesterone acetate treatment under this section, the court may order the defendant to undergo physical castration if the defendant files a written motion with the court stating that he intelligently and knowingly gives his voluntary consent to physical castration as an alternative to the medroxyprogesterone acetate treatment.