

1 State of Arkansas  
2 88th General Assembly  
3 Regular Session, 2011  
4

# A Bill

HOUSE BILL 1408

5 By: Representative Hopper  
6 By: Senator J. Key  
7

## For An Act To Be Entitled

9 AN ACT TO PROHIBIT LEVEL 2 SEX OFFENDERS FROM LIVING  
10 WITHIN TWO THOUSAND FEET FROM A SCHOOL, PUBLIC PARK,  
11 YOUTH CENTER, OR DAYCARE; AND FOR OTHER PURPOSES.  
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## Subtitle

15 TO PROHIBIT LEVEL 2 SEX OFFENDERS FROM  
16 LIVING WITHIN TWO THOUSAND FEET FROM A  
17 SCHOOL, PUBLIC PARK, YOUTH CENTER, OR  
18 DAYCARE.  
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21 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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23 SECTION 1. Arkansas Code § 5-14-128(a), regarding the distance from  
24 which a registered sex offender can live near a school, public park, youth  
25 center, or daycare, is amended to read as follows:

26 (a) It is unlawful for a sex offender who is required to register  
27 under the Sex Offender Registration Act of 1997, § 12-12-901 et seq., and who  
28 has been assessed as a Level 2, Level 3, or Level 4 offender to reside within  
29 two thousand feet (2,000') of the property on which any public or private  
30 elementary or secondary school, public park, youth center, or daycare  
31 facility is located.  
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33 SECTION 2. Arkansas Code § 5-14-128(c), regarding the distance from  
34 which a registered sex offender can live near a school, public park, youth  
35 center, or daycare, is amended to read as follows:

36 (c)(1)(A) With respect to a public or private elementary or secondary



1 school or a daycare facility, it is not a violation of this section if the  
 2 sex offender resides on property he or she owns prior to July 16, 2003.

3 (B) With respect to a public park or youth center, it is  
 4 not a violation of this section if the sex offender resides on property he or  
 5 she owns prior to July 31, 2007.

6 (2)(A) The exclusion in subdivision (c)(1)(A) of this section  
 7 does not apply to a sex offender who pleads guilty or nolo contendere to or  
 8 is found guilty of another sex offense after July 16, 2003.

9 (B) The exclusion in subdivision (c)(1)(B) of this section  
 10 does not apply to a sex offender who pleads guilty or nolo contendere to or  
 11 is found guilty of another sex offense on or after July 31, 2007.

12 (3)(A) With respect to a sex offender who has been assessed as a  
 13 Level 2 offender, it is not a violation of this section if the sex offender  
 14 resides on property he or she owns before the effective date of this act.

15 (B) The exclusion in subdivision (c)(3)(A) of this section  
 16 does not apply to a sex offender who pleads guilty or nolo contendere to or  
 17 is found guilty of another sex offense on or after the effective date of this  
 18 act.

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