

1 State of Arkansas
2 91st General Assembly
3 Regular Session, 2017
4

A Bill

HOUSE BILL 1433

5 By: Representative Baltz
6

For An Act To Be Entitled

8 AN ACT TO PROHIBIT A REGISTERED SEX OFFENDER FROM
9 LIVING NEAR A FACILITY WHERE A PERSON WITH A
10 MEDICALLY DIAGNOSED MENTAL DISABILITY OR PHYSICAL
11 DISABILITY RESIDES; AND FOR OTHER PURPOSES.
12
13

Subtitle

14 TO PROHIBIT A REGISTERED SEX OFFENDER
15 FROM LIVING NEAR A FACILITY WHERE A
16 PERSON WITH A MEDICALLY DIAGNOSED MENTAL
17 DISABILITY OR PHYSICAL DISABILITY
18 RESIDES.
19
20
21

22 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
23

24 SECTION 1. Arkansas Code § 5-14-128 is amended to read as follows:

25 5-14-128. Registered offender living near ~~school, public park, youth~~
26 ~~center, daycare, or church or other place of worship prohibited~~ certain
27 places.

28 (a) A sex offender who is required to register under the Sex Offender
29 Registration Act of 1997, § 12-12-901 et seq., and who has been assessed as
30 a:

31 (1) Level 3 or Level 4 offender may not knowingly reside within
32 two thousand feet (2,000') of the property on which is located a public or
33 private elementary or secondary school, public park, youth center, ~~or~~ daycare
34 facility ~~is located~~, or facility where a person with a medically diagnosed
35 mental disability or physical disability resides; or

36 (2) Level 4 offender may not knowingly reside within two



1 thousand feet (2,000') of a church or other place of worship.

2 (b)(1) It is not a violation of this section if the property on which
3 the sex offender resides is owned and occupied by the sex offender and was
4 purchased prior to the date ~~on which~~ of the establishment of the public or
5 private elementary or secondary school, public park, youth center, daycare
6 facility, ~~or church or other place of worship was established,~~ or facility
7 where a person with a medically diagnosed mental disability or physical
8 disability resides.

9 (2) The exclusion in subdivision (b)(1) of this section does not
10 apply to a sex offender who pleads guilty or nolo contendere to or is found
11 guilty of another sex offense after the establishment of the public or
12 private elementary or secondary school, public park, youth center, daycare
13 facility, ~~or church or other place of worship is established,~~ or facility
14 where a person with a medically diagnosed mental disability or physical
15 disability resides.

16 (c)(1)(A) With respect to a public or private elementary or secondary
17 school or a daycare facility, it is not a violation of this section if the
18 sex offender resides on property he or she owns prior to July 16, 2003.

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

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

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

28 (3) With respect to a church or other place of worship, it is
29 not a violation of this section if the sex offender resides on property he or
30 she owns prior to July 22, 2015.

31 (4)(A) With respect to a facility where a person with a
32 medically diagnosed mental disability or physical disability resides, it is
33 not a violation of this section if the sex offender resides on property he or
34 she owns prior to the effective date of this act.

35 (B) The exclusion in subdivision (c)(4)(A) of this section
36 does not apply to a sex offender who pleads guilty or nolo contendere to or

1 is found guilty of another sex offense on or after the effective date of this
2 act.

3 (d) A violation of this section is a Class D felony.

4 (e)(1) A person who is charged with violating this section shall be
5 ordered as a condition of his or her release from custody not to return until
6 the charge is adjudicated to the location where he or she was residing that
7 was located within two thousand feet (2,000') of a public or private
8 elementary or secondary school, public park, youth center, daycare facility,
9 ~~or~~ church or other place of worship ~~until the charge is adjudicated, or~~
10 facility where a person with a medically diagnosed mental disability or
11 physical disability resides.

12 (2) The court having jurisdiction over the charge may order that
13 the defendant be allowed to return to his or her residence before the
14 adjudication of the charge if good cause is shown.

15 (f) As used in this section:

16 (1) "Church or other place of worship" means a physical location
17 that has a primary purpose of facilitating the meeting of persons in order to
18 practice a religion;

19 (2) "Facility" means housing or a facility occupied by a group
20 of unrelated persons with mental or physical disabilities receiving support
21 services and staffed by one (1) or more full-time caregivers or other
22 healthcare professionals;

23 ~~(2)(3)~~ "Public park" means any property owned or maintained by
24 this state or a county, city, or town in this state for the recreational use
25 of the public; and

26 ~~(3)(4)~~ "Youth center" means any building, structure, or
27 facility owned or operated by a not-for-profit organization or by this state
28 or a county, city, or town in this state for use by minors to promote the
29 health, safety, or general welfare of the minors.

30
31
32
33
34
35
36