

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

# A Bill

SENATE BILL 338

5 By: Senator J. Hutchinson  
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## For An Act To Be Entitled

8 AN ACT CONCERNING THE DEFINITION OF "TARGET GROUP" AS  
9 IT IS APPLIES TO COMMUNITY CORRECTION; AND FOR OTHER  
10 PURPOSES.  
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## Subtitle

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13 CONCERNING THE DEFINITION OF "TARGET  
14 GROUP" AS IT IS APPLIES TO COMMUNITY  
15 CORRECTION.  
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19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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21 SECTION 1. Arkansas Code § 16-93-1202(10), concerning the definition  
22 of "target group" as it is applied to community correction, is amended to  
23 read as follows:

24 (10)(A)(i) "Target group" means a group of offenders ~~and~~  
25 ~~offenses determined to be, but not limited to, theft, theft by receiving, hot~~  
26 ~~checks, residential burglary, commercial burglary, failure to appear,~~  
27 ~~fraudulent use of credit cards, criminal mischief, breaking or entering, drug~~  
28 ~~paraphernalia, driving while intoxicated, fourth or subsequent offense, all~~  
29 ~~other Class C felonies or Class D felonies that are not either violent or~~  
30 ~~sexual and that meet the eligibility criteria determined by the General~~  
31 ~~Assembly to have significant impact on the use of correctional resources,~~  
32 ~~Class A controlled substance felonies and Class B controlled substance~~  
33 ~~felonies, and all other unclassified felonies for which the prescribed~~  
34 ~~limitations on a sentence do not exceed the prescribed limitations for a~~  
35 ~~Class C felony and that are not either violent or sexual, who have committed~~  
36 one (1) or more of the following offenses without limitation:



- 1 (a) Terroristic threatening, § 5-13-301;
- 2 (b) Domestic battering in the third degree, §
- 3 5-26-305;
- 4 (c) Endangering the welfare of a minor in the
- 5 first degree, § 5-27-205;
- 6 (d) Theft, § 5-36-101 et seq.;
- 7 (e) Theft by receiving, § 5-36-106;
- 8 (f) Fraudulent use of a credit card or debit
- 9 card, § 5-37-207;
- 10 (g) Violation of the Arkansas Hot Check Law, §
- 11 5-37-301 et seq.;
- 12 (h) Criminal mischief in the first degree, §
- 13 5-38-203, and criminal mischief in the second degree, § 5-38-204;
- 14 (i) Residential or commercial burglary, § 5-
- 15 39-201;
- 16 (j) Breaking or entering, § 5-39-202;
- 17 (k) Failure to appear, § 5-54-120;
- 18 (l) Fleeing, § 5-54-125;
- 19 (m) Drug paraphernalia, § 5-64-443;
- 20 (n) Driving or boating while intoxicated, § 5-
- 21 65-103, fourth or subsequent offense;
- 22 (o) Leaving the scene of a personal injury
- 23 accident, § 27-53-101;
- 24 (p) A Class C felony or Class D felony that is
- 25 not violent or sexual and that meets the eligibility criteria determined by
- 26 the General Assembly to have significant impact on the use of correctional
- 27 resources;
- 28 (q) All controlled substance felonies; and
- 29 (r) All other unclassified felonies for which
- 30 the prescribed limitations on a sentence do not exceed the prescribed
- 31 limitations for a Class B felony and that are not violent or sexual.
- 32 ~~(ii) Offenders committing "Target group" includes~~
- 33 ~~without limitation offenders who have committed solicitation, attempt, or~~
- 34 ~~conspiracy of the substantive offenses listed in subdivision (10)(A)(i) of~~
- 35 ~~this section are also included in the group.~~
- 36 (iii) As used in this subdivision (10)(A), "violent

1 or sexual” includes all offenses against the person ~~codified in~~ under § 5-10-  
2 101 et seq., § 5-11-101 et seq., § 5-12-101 et seq., ~~§ 5-13-201 et seq., § 5-~~  
3 ~~13-301 et seq.,~~ § 5-13-201, § 5-13-202, § 5-13-204, § 5-13-211, § 5-13-310,  
4 and § 5-14-101 et seq., ~~and any offense containing as an element of the~~  
5 ~~offense the use of physical force, the threatened use of serious physical~~  
6 ~~force, the infliction of physical harm, or the creation of a substantial risk~~  
7 ~~of serious physical harm.~~

8 (iv) For the purpose of the sealing of a criminal  
9 record under § 16-93-1207, “target group” includes any misdemeanor conviction  
10 except a misdemeanor conviction for which the offender is required to  
11 register as a sex offender or a misdemeanor conviction for driving while  
12 intoxicated.

13 (B) Offenders ~~and offenses~~ falling within the target group  
14 population may access community correction facilities pursuant to § 16-93-  
15 1208;

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