

1 State of Arkansas
2 89th General Assembly
3 Regular Session, 2013
4

As Engrossed: H2/15/13

A Bill

SENATE BILL 57

5 By: Senator J. Woods
6 By: Representative Neal
7

For An Act To Be Entitled

9 AN ACT REGARDING THE SEX OFFENDER REGISTRATION ACT OF
10 1997; REGARDING THE REQUIREMENTS OF REGISTERING AS A
11 SEX OFFENDER; AND FOR OTHER PURPOSES
12
13

Subtitle

15 REGARDING THE SEX OFFENDER REGISTRATION
16 ACT OF 1997 AND REGARDING THE
17 REQUIREMENTS OF REGISTERING AS A SEX
18 OFFENDER.
19
20

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

23 SECTION 1. Arkansas Code § 12-12-903(10), concerning the definition of
24 "residency" in the Sex Offender Registration Act of 1997, is amended to read
25 as follows:

26 (10)(A) "Residency" means the place where a person lives
27 notwithstanding that there may be an intent to move or return at some future
28 date to another place.

29 (B) "Residency" also includes:

30 (i) place A place of employment;

31 (ii) training, or A place of training;

32 (iii) education; A place of education; or

33 (iv) A temporary residence or domicile in which a person
34 resides for an aggregate of five (5) or more consecutive days during a
35 calendar year;
36



1 SECTION 2. Arkansas Code § 12-12-904(a)(1)(A), concerning the criminal
2 offense of failing to comply with registration and reporting requirements, is
3 amended to read as follows:

4 (a)(1)(A) A person is guilty of a Class C felony who:

5 (i) Fails to register or verify registration as
6 required under this subchapter;

7 (ii) Fails to report a change of address,
8 employment, education, or training as required under this subchapter; ~~or~~

9 (iii) Refuses to cooperate with the assessment
10 process as required under this subchapter; or

11 (iv) Files false paperwork or documentation
12 regarding verification, change of information, or petitions to be removed
13 from the registry.

14
15 SECTION 3. Arkansas Code § 12-12-906(a)(2), concerning the duty to
16 register and verify as a sex offender, is amended to read as follows:

17 (2)(A) A sex offender ~~moving to or returning~~ who moves to or returns
18 to this state from another jurisdiction and who would be required to register
19 as a sex offender in the jurisdiction in which he or she was adjudicated
20 guilty or delinquent of a sex offense shall register with the local law
21 enforcement agency having jurisdiction within ~~three (3) business~~ seven (7)
22 calendar days after the sex offender ~~establishes residency in~~ moves to a
23 municipality or county of this state.

24 (B)(i) Any person living in this state who would be
25 required to register as a sex offender in the jurisdiction in which he or she
26 was adjudicated guilty or delinquent of a sex offense shall register as a sex
27 offender in this state whether living, working, or attending school or other
28 training in Arkansas.

29 (ii) A nonresident worker or student who enters the
30 state shall register in compliance with the Adam Walsh Child Protection and
31 Safety Act of 2006, Pub. L. No. 109-248, as it existed on January 1, 2007.

32 (C) A sex offender sentenced and required to register
33 outside of Arkansas shall:

34 (i)(a) Submit to assessment by Sex Offender
35 Screening and Risk Assessment if he or she is at least eighteen (18) years of
36 age at the time he or she enters this state to live, work, or attend school.

1 (b) If he or she is under the age of eighteen
2 (18) at the time he or she enters this state to live, work, or attend school,
3 he or she shall submit to assessment by the Family Treatment Program or other
4 agency or entity authorized to conduct juvenile sex offender assessments;

5 (ii) Provide a deoxyribonucleic acid (DNA) sample if
6 a sample is not already accessible to the State Crime Laboratory; and

7 (iii)(a) Pay the mandatory fee of two hundred fifty
8 dollars (\$250) to be deposited into the DNA Detection Fund established by §
9 12-12-1119 within ninety (90) days from the date of registration.

10 (b) Failure to pay the fee required under
11 subdivision (a)(2)(C)(iii)(a) of this section is a Class A misdemeanor.

12
13 SECTION 4. Arkansas Code § 12-12-919(b)(1), concerning the termination
14 of the obligation to register as a sex offender, is amended to read as
15 follows:

16 (b)(1)(A)(i) Any other sex offender required to register under this
17 subchapter may ~~make application~~ apply for an order terminating the obligation
18 to register to the sentencing court fifteen (15) years after release from
19 incarceration or other institution or fifteen (15) years after having been
20 placed on probation or any other form of community supervision by the court.

21 (ii) A sex offender sentenced in another state but
22 permanently residing in Arkansas may ~~make an application~~ apply for an order
23 terminating the obligation to register to the court of the county in which
24 the sex offender resides.

25 (B)(i) The court shall hold a hearing on the application
26 at which the applicant and any interested persons may present witnesses and
27 other evidence.

28 (ii) No ~~fewer~~ less than twenty (20) days ~~prior to~~
29 before the date of the hearing on the application, a copy of the application
30 for termination of the obligation to register shall be served on:

31 (a) the The prosecutor of the county in which
32 the adjudication of guilt triggering registration was obtained if the sex
33 offender was convicted in this state; or

34 (b) The prosecutor of the county where a sex
35 offender resides if the sex offender was convicted in another state.

36 (iii) A copy shall also be served to the Arkansas

1 Sex Offender Registry in the Arkansas Crime Information Center and to Sex
2 Offender Screening and Risk Assessment at least twenty (20) days before the
3 hearing.

4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36

/s/J. Woods