

1 State of Arkansas As Engrossed: H2/17/11 H2/21/11 H2/23/11

2 88th General Assembly

A Bill

3 Regular Session, 2011

HOUSE BILL 1368

4

5 By: Representatives Eubanks, Baird, Bell, Benedict, J. Burris, Catlett, Collins, Collins-Smith,
6 Deffenbaugh, J. Edwards, E. Elliott, Gillam, Hickerson, Hopper, Hubbard, D. Hutchinson, Johnston,
7 King, Lampkin, Lenderman, Linck, Mauch, D. Meeks, Rice, Shepherd, Stewart, Stubblefield, Vines,
8 Wardlaw, Westerman

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For An Act To Be Entitled

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11 AN ACT CONCERNING VISITATION RIGHTS WITH A MINOR
12 CHILD FOR A PARENT LISTED ON THE SEX OFFENDER
13 REGISTRY; AND FOR OTHER PURPOSES.

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Subtitle

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CONCERNING VISITATION RIGHTS WITH A MINOR
CHILD FOR A PARENT LISTED ON THE SEX
OFFENDER REGISTRY.

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

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24 SECTION 1. Arkansas Code § 9-13-105 is amended to read as follows:

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9-13-105. Criminal records check.

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(a) Any parent of a minor child in a circuit court case may
petition the court to order a criminal records check of the other parent of a
the minor child or other adult members of the household eighteen (18) years
of age or older that reside with the parent for custody and visitation
determination purposes.

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(b) If the court determines there is reasonable cause to suspect
that the other parent or other adult members of the household eighteen (18)
years of age or older that reside with the parent may have engaged in
criminal conduct that would be relevant to the issue of custody of the minor
child or visitation privileges, the court may order the sheriff of the county
in which the petition was filed to conduct a criminal records check through



1 the Arkansas Crime Information Center, including a check of the Sex Offender
2 Registry, § 12-12-901 et seq.

3 (c) The court shall review the results of the criminal records
4 check, and if it deems appropriate, provide the results to the petitioning
5 parent.

6 (d) Any costs associated with conducting a criminal records
7 check shall be borne by the petitioning party.

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9 *SECTION 2. Arkansas Code § 9-13-101(d), concerning the award of*
10 *custody, is amended to add an additional subdivision to read as follows:*

11 *(3) There is a rebuttable presumption that it is not in the best*
12 *interest of the child to be placed in the home of a sex offender or to have*
13 *unsupervised visitation in a home in which a sex offender resides.*

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15 */s/Eubanks*

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18 **APPROVED: 03/18/2011**