Stricken language would be deleted from and underlined language would be added to present law. Act 376 of the Regular Session

1 2	State of Arkansas 90th General Assembly	A Bill	
3	Regular Session, 2015	11 2111	HOUSE BILL 1164
4	Regular Session, 2013		HOODE BILL HOT
5	By: Representative C. Fite		
6	By: Senator Collins-Smith		
7			
8		For An Act To Be Entitled	
9	AN ACT CONCERNING LEVEL 4 SEX OFFENDERS RESIDING NEAR		
10	A CHURCH OR OTHER PLACE OF WORSHIP; AND FOR OTHER		
11	PURPOSES.		
12			
13			
14		Subtitle	
15	CONCERNING LEVEL 4 SEX OFFENDERS RESIDING		
16	NEAR A CI	HURCH OR OTHER PLACE OF WORSHIP.	
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19	BE IT ENACTED BY THE GENER	RAL ASSEMBLY OF THE STATE OF ARK	ANSAS:
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21	SECTION 1. Arkansas	s Code § 5-14-128 is amended to	read as follows:
22	5-14-128. Registere	ed offender living near school, j	public park, youth
23	center, or daycare <u>, or chu</u>	arch or other place of worship p	rohibited.
24	(a) It is unlawful f	for a sex offender who is requir e	ed to register under
25	the Sex Offender Registrat	zion Act of 1997, § 12-12-901 et	seq., and who has
26	been assessed as a Level 3	3 or Level 4 offender to reside v	within two thousand
27	feet (2,000') of the propo	erty on which any public or priv e	ate elementary or
28	secondary school, public p	eark, youth center, or daycare for	acility is located.
29	(a) A sex offender	who is required to register under	er the Sex Offender
30	Registration Act of 1997,	§ 12-12-901 et seq., and who has	s been assessed as
31	<u>a:</u>		
32	<u>(1) Level 3 c</u>	or Level 4 offender may not know:	ingly reside within
33	two thousand feet (2,000')	of the property on which a pub	<u>lic or private</u>
34	elementary or secondary school, public park, youth center, or daycare		
35	facility is located; or		
36	(2) Level 4 c	offender may not knowingly reside	e within two

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

- (b)(1) It is not a violation of this section if the property on which the sex offender resides is owned and occupied by the sex offender and was purchased prior to the date on which the public or private elementary or secondary school, public park, youth center, or daycare facility, or church or other place of worship was established.
 - (2) The exclusion in subdivision (b)(1) of this section does not apply to a sex offender who pleads guilty or nolo contendere to or is found guilty of another sex offense after the public or private elementary or secondary school, public park, youth center, or daycare facility, or church or other place of worship is established.
 - (c)(1)(A) With respect to a public or private elementary or secondary school or a daycare facility, it is not a violation of this section if the sex offender resides on property he or she owns prior to July 16, 2003.
- 15 (B) With respect to a public park or youth center, it is
 16 not a violation of this section if the sex offender resides on property he or
 17 she owns prior to July 31, 2007.
- 18 (2)(A) The exclusion in subdivision (c)(1)(A) of this section 19 does not apply to a sex offender who pleads guilty or nolo contendere to or 20 is found guilty of another sex offense after July 16, 2003.
- 21 (B) The exclusion in subdivision (c)(1)(B) of this section 22 does not apply to a sex offender who pleads guilty or nolo contendere to or 23 is found guilty of another sex offense on or after July 31, 2007.
 - (3) With respect to a church or other place of worship, it is not a violation of this section if the sex offender resides on property he or she owns prior to the effective date of this act.
 - (d) A sex offender who is required to register under the Sex Offender Registration Act of 1997, § 12-12-901 et seq., and who knowingly violates a provision of this section is guilty of A violation of this section is a Class D felony.
 - (e)(1) A person who is charged with violating this section shall be ordered as a condition of his or her release from custody not to return to the location where he or she was residing that was located within two thousand feet (2,000') of a public or private elementary or secondary school, public park, youth center, or daycare facility, or church or other place of worship until the charge is adjudicated.

1	(2) The court having jurisdiction over the charge may order that
2	the defendant be allowed to return to his or her residence before the
3	adjudication of the charge if good cause is shown.
4	(f) As used in this section:
5	(1) "Church or other place of worship" means a physical location
6	that has a primary purpose of facilitating the meeting of persons in order to
7	practice a religion;
8	(1)(2) "Public park" means any property owned or maintained by
9	this state or a county, city, or town in this state for the recreational use
10	of the public; and
11	$\frac{(2)}{(3)}$ "Youth center" means any building, structure, or facility
12	owned or operated by a not-for-profit organization or by this state or a
13	county, city, or town in this state for use by minors to promote the health,
14	safety, or general welfare of the minors.
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17	APPROVED: 03/11/2015
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