

HOUSE AMENDMENT 1 TO hb1350.

deleting Sections 1 and 2 in their entireties and substituting therefor the following:

"SECTION 1. (a) Whenever an accused who enters a plea of guilty or nolo contendere prior to an adjudication of guilt for any sexual offense defined in Title 5, Chapter 14 of the Arkansas Code of 1987 Annotated or incest as defined by Arkansas Code Annotated § 5-26-202 and the sexual offense or incest was perpetrated against a minor, is eligible for probation under procedures defined in § 16-93-303 or any other provision of law, the court shall prohibit, as a condition of granting probation, the accused, upon release, from residing in a residence with any minor, unless the court makes a specific finding that the accused poses no danger to the minors residing in the residence.

(b) Upon violation of this condition of probation, the court may enter an adjudication of guilt and proceed as otherwise provided by law.

SECTION 2. (a) Whenever an inmate in a facility of the Department of Correction, who has pled guilty, nolo contendere, or has been found guilty of any sexual offense defined in Title 5, Chapter 14 of the Arkansas Code of 1987 Annotated or incest as defined by Arkansas Code Annotated § 5-26-202 and the sexual offense or incest was perpetrated against a minor, becomes eligible for parole and makes application for release on parole, the State Board of Parole and Community Rehabilitation shall prohibit, as a condition of granting the parole, the parolee, upon parole, from residing in a residence with any minor, unless the State Board of Parole and Community Rehabilitation makes a specific finding that the inmate poses no danger to the minors residing in the residence.

(b) If the State Board of Parole and Community Rehabilitation, upon hearing pursuant to § 16-93-705, finds, by a preponderance of the evidence, that the parolee has failed to comply with this condition of parole, the parole shall be revoked and the parolee returned to the custody of the Department of Correction."