

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

*As Engrossed: H3/7/13*

# A Bill

HOUSE BILL 1525

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

## For An Act To Be Entitled

9 AN ACT REGARDING SEX OFFENDER REGISTRATION LAWS AND  
10 PARTIAL COMPLIANCE WITH THE ADAM WALSH CHILD  
11 PROTECTION AND SAFETY ACT OF 2006; AND FOR OTHER  
12 PURPOSES.  
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## Subtitle

15 REGARDING SEX OFFENDER REGISTRATION LAWS  
16 AND PARTIAL COMPLIANCE WITH THE ADAM  
17 WALSH CHILD PROTECTION AND SAFETY ACT OF  
18 2006.  
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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 § 12-12-903(12), concerning definitions under  
25 the Sex Offender Registration Act of 1997, is amended to read as follows:

26 (12)(A) "Sex offense" includes, but is not limited to:

27 (i) The following offenses:

- 28 (a) Rape, § 5-14-103;
- 29 (b) Sexual indecency with a child, § 5-14-110;
- 30 (c) Sexual assault in the first degree, § 5-14-124;
- 31 (d) Sexual assault in the second degree, § 5-14-125;
- 32 (e) Sexual assault in the third degree, § 5-14-126;
- 33 (f) Sexual assault in the fourth degree, § 5-14-127;
- 34 (g) Incest, § 5-26-202;
- 35 (h) Engaging children in sexually explicit conduct

36 for use in visual or print medium, § 5-27-303;



- 1 (i) Transportation of minors for prohibited sexual  
2 conduct, § 5-27-305;
- 3 (j) Employing or consenting to the use of a child in  
4 a sexual performance, § 5-27-402;
- 5 (k) Pandering or possessing visual or print medium  
6 depicting sexually explicit conduct involving a child, § 5-27-304;
- 7 (l) Producing, directing, or promoting a sexual  
8 performance by a child, § 5-27-403;
- 9 (m) Promoting prostitution in the first degree, § 5-  
10 70-104;
- 11 (n) Stalking when ordered by the sentencing court to  
12 register as a sex offender, § 5-71-229;
- 13 (o) Indecent exposure, § 5-14-112, if a felony level  
14 offense;
- 15 (p) Exposing another person to human  
16 immunodeficiency virus, § 5-14-123, when ordered by the sentencing court to  
17 register as a sex offender;
- 18 (q) Kidnapping pursuant to § 5-11-102(a) when the  
19 victim is a minor and the offender is not the parent of the victim;
- 20 (r) False imprisonment in the first degree and false  
21 imprisonment in the second degree, §§ 5-11-103 and 5-11-104, when the victim  
22 is a minor and the offender is not the parent of the victim;
- 23 (s) Permitting abuse of a minor, § 5-27-221;
- 24 (t) Computer child pornography, § 5-27-603;
- 25 (u) Computer exploitation of a child, § 5-27-605;
- 26 (v) Permanent detention or restraint, § 5-11-106,  
27 when the offender is not the parent of the victim;
- 28 (w) Distributing, possessing, or viewing of matter  
29 depicting sexually explicit conduct involving a child, § 5-27-602;
- 30 (x) Internet stalking of a child, § 5-27-306;
- 31 (y) Crime of video voyeurism, § 5-16-101, if a  
32 felony level offense;
- 33 (z) Voyeurism, § 5-16-102, if a felony level  
34 offense; and
- 35 (aa) Any felony-homicide offense under § 5-10-101, §  
36 5-10-102, or § 5-10-104 if the underlying felony is an offense listed in this

1 subdivision (12)(A)(i);

2 (ii) An attempt, solicitation, or conspiracy to commit any  
3 of the offenses enumerated in subdivision (12)(A)(i) of this section;

4 (iii) An adjudication of guilt for an offense of the law  
5 of another state, ~~for a federal offense, for a tribal court offense, or for a~~  
6 ~~military offense:~~

7 (a) Which is similar to any of the offenses  
8 enumerated in subdivision (12)(A)(i) of this section; or

9 (b) When that adjudication of guilt requires  
10 registration under another state's sex offender registration laws; ~~or~~

11 (iv) A violation of any former law of this state that is  
12 substantially equivalent to any of the offenses enumerated in this  
13 subdivision (12)(A);

14 (v)(a) An adjudication of guilt for an offense in any  
15 federal court, the District of Columbia, a United States territory, a  
16 federally recognized Indian tribe, or for a military offense:

17 (1) Which is similar to any of the offenses  
18 enumerated in subdivision (12)(A)(i) of this section; or

19 (2) When the adjudication of guilt requires  
20 registration under sex offender registration laws of another state or  
21 jurisdiction; or

22 (b) If the conviction was for a violation of:

23 (1) 18 U.S.C. § 2252C;

24 (2) 18 U.S.C. § 2424; or

25 (3) 18 U.S.C. § 2425; or

26 (vi) An adjudication of guilt for an offense requiring  
27 registration under the laws of Canada, the United Kingdom, Australia, New  
28 Zealand, or any other foreign country where an independent judiciary enforces  
29 a right to a fair trial during the year in which the conviction occurred.

30 (B)(i) The sentencing court has the authority to order the  
31 registration of any offender shown in court to have attempted to commit or to  
32 have committed a sex offense even though the offense is not enumerated in  
33 subdivision (12)(A)(i) of this section.

34 (ii) This authority applies to sex offenses enacted,  
35 renamed, or amended at a later date by the General Assembly unless the  
36 General Assembly expresses its intent not to consider the offense to be a

1 true sex offense for the purposes of this subchapter;

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3 SECTION 2. Arkansas Code § 12-12-906(c)(1)(A)(iv), concerning the duty  
4 of a convicted sex offender to register or verify his or her registration  
5 required under the Sex Offender Registration Act of 1997, is amended to read  
6 as follows:

7 (iv) Obtain fingerprints, palm prints, and a  
8 photograph of the sex offender if these have not already been obtained in  
9 connection with the offense that triggered registration;

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11 SECTION 3. Arkansas Code § 12-12-906(g)(3)(M), concerning the duty of  
12 a convicted sex offender to register or verify his or her registration  
13 required under the Sex Offender Registration Act of 1997, is amended to read  
14 as follows:

15 (M)(i) Fingerprints.

16 (ii) If the local law enforcement agency having  
17 jurisdiction cannot confirm that the sex offender's fingerprints are  
18 contained in the automated fingerprint identification system, the local law  
19 enforcement agency having jurisdiction shall:

20 (a) Take the sex offender's fingerprints; and

21 (b) Submit the fingerprints to the center and  
22 to the Department of Arkansas State Police;

23 (iii) If the local law enforcement agency having  
24 jurisdiction cannot confirm that the sex offender's palm prints are contained  
25 in the automated palm print identification system, the local law enforcement  
26 agency having jurisdiction shall:

27 (a) Take the sex offender's palm prints; and

28 (b) Submit the palm prints to the center and  
29 to the Department of Arkansas State Police;

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31 SECTION 4. Arkansas Code § 12-12-906(g)(3), concerning the duty of a  
32 convicted sex offender to register or verify his or her registration required  
33 under the Sex Offender Registration Act of 1997, is amended to add additional  
34 subdivisions as follows:

35 (R)(i) Passport.

36 (ii) The local law enforcement agency having

1 jurisdiction shall obtain a copy of any passport issued to the person by any  
2 country in the sex offender's name at each registration verification and  
3 submit the copy of any passport to the center;

4 (S)(i) Immigration documentation.

5 (ii) The local law enforcement agency having  
6 jurisdiction shall obtain a copy of any immigration documents issued to the  
7 sex offender by any country at each registration verification and submit a  
8 copy of the documents to the center; and

9 (T)(i) Professional licenses and permits.

10 (ii) The local law enforcement agency having  
11 jurisdiction shall obtain a copy of any federal, state, or local professional  
12 license or permit issued to the sex offender at each registration  
13 verification and submit a copy of the documents to the center.

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15 SECTION 5. Arkansas Code § 12-12-906(g), concerning the duty of a  
16 convicted sex offender to register or verify his or her registration required  
17 under the Sex Offender Registration Act of 1997, is amended to add a new  
18 subdivision to read as follows:

19 (7) If a person who is required to register as a sex  
20 offender owns an aircraft, the person shall provide the following information  
21 concerning the aircraft:

22 (A) The aircraft registration number;

23 (B) The manufacturer and model of the aircraft; and

24 (C) A description of the color scheme of the  
25 aircraft.

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27 SECTION 6. Arkansas Code § 12-12-906(h)(3)(M), concerning the duty of  
28 a convicted sex offender to register or verify his or her registration  
29 required under the Sex Offender Registration Act of 1997, is amended to read  
30 as follows:

31 (M)(i) Fingerprints.

32 (ii) If the local law enforcement agency having  
33 jurisdiction cannot confirm that the sexually violent predator's fingerprints  
34 are contained in the automated fingerprint identification system, the local  
35 law enforcement agency having jurisdiction shall:

36 (a) Take the sexually violent predator's

1 fingerprints; and

2 (b) Submit the fingerprints to the center and  
3 to the Department of Arkansas State Police;

4 (iii) If the local law enforcement agency having  
5 jurisdiction cannot confirm that the sexually violent predator's palm prints  
6 are contained in the automated palm print identification system, the local  
7 law enforcement agency having jurisdiction shall:

8 (a) Take the sexually violent predator's palm  
9 prints; and

10 (b) Submit the palm prints to the center and  
11 to the Department of Arkansas State Police;

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13 SECTION 7. Arkansas Code § 12-12-906(h)(3), concerning the duty of a  
14 convicted sexually violent predator to register or verify his or her  
15 registration required under the Sex Offender Registration Act of 1997, is  
16 amended to add new subdivisions to read as follows:

17 (R)(i) Passport.

18 (ii) The local law enforcement agency having  
19 jurisdiction shall obtain a copy of any passport issued to the person by any  
20 country in the sexually violent predator's name at each registration  
21 verification and submit the copy of any passport to the center;

22 (S)(i) Immigration documentation.

23 (ii) The local law enforcement agency having  
24 jurisdiction shall obtain a copy of any immigration documents issued to the  
25 sexually violent predator by any country at each registration verification  
26 and submit a copy of the documents to the center; and

27 (T)(i) Professional licenses and permits.

28 (ii) The local law enforcement agency having  
29 jurisdiction shall obtain a copy of any federal, state, or local professional  
30 license or permit issued to the sexually violent predator at each  
31 registration verification and submit a copy of the documents to the center.

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33 SECTION 8. Arkansas Code § 12-12-906(h), concerning the duty of a  
34 convicted sexually violent predator to register or verify his or her  
35 registration required under the Sex Offender Registration Act of 1997, is  
36 amended to add a new subdivision to read as follows:

1                   (7) If a sexually violent predator who is required to  
2 register as a sexually violent predator owns an aircraft, the person shall  
3 provide the following information concerning the aircraft:

4                   (A) The aircraft registration number;  
5                   (B) The manufacturer and model of the aircraft; and  
6                   (C) A description of the color scheme of the  
7 aircraft.

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9           SECTION 9. Arkansas Code § 12-12-907(a)(3), concerning reporting  
10 certain sex offender information, is amended to read as follows:

11           (3) The center will share information with the National Sex Offender  
12 Public Registry.

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14           SECTION 10. Arkansas Code § 12-12-913(j)(1)(A), concerning how the  
15 disclosure of registration records maintained under the Sex Offender  
16 Registration Act of 1997, is amended to read as follows:

17           (j)(1)(A) The following information concerning a registered sex  
18 offender who is classified as a level 3 or level 4 offender by the Sex  
19 Offender Screening and Risk Assessment shall be made public:

20                   (i) The sex offender's complete name, as well as any  
21 alias;

22                   (ii) The sex offender's date of birth;

23                   (iii) Any sex offense to which the sex offender has  
24 pleaded guilty or nolo contendere or of which the sex offender has been found  
25 guilty by a court of competent jurisdiction;

26                   (iv) The street name and block number, county, city,  
27 and zip code where the sex offender resides;

28                   (v) The sex offender's race and gender;

29                   (vi) The date of the last address verification of  
30 the sex offender provided to the Arkansas Crime Information Center;

31                   (vii) The most recent photograph of the sex offender  
32 that has been submitted to the center; ~~and~~

33                   (viii) The sex offender's parole or probation  
34 office;

35                   (ix) The street name and block number, county, city,  
36 and zip code where the sex offender is employed;

1 (x) Any institution of higher education in which the  
 2 sex offender is enrolled; and

3 (xi) The vehicle identification number and license  
 4 plate number of any vehicle the sex offender owns or operates.

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 6 SECTION 11. Arkansas Code § 12-12-913(j)(1)(B), concerning how the  
 7 disclosure of registration records maintained under the Sex Offender  
 8 Registration Act of 1997, is amended to read as follows:

9 (B) If a registered sex offender was eighteen (18) years of age  
 10 or older at the time of the commission of the sex offense that required  
 11 registration under this subchapter and the victim of the sex offense was  
 12 fourteen (14) years of age or younger and the registered sex offender is  
 13 classified as a level 2 offender by the Sex Offender Screening and Risk  
 14 Assessment, the following information concerning the registered sex offender  
 15 shall be made public:

16 (i) The registered sex offender's complete name, as  
 17 well as any alias;

18 (ii) The registered sex offender's date of birth;

19 (iii) Any sex offense to which the registered sex  
 20 offender has pleaded guilty or nolo contendere or of which the registered sex  
 21 offender has been found guilty by a court of competent jurisdiction;

22 (iv) The street name and block number, county, city,  
 23 and zip code where the registered sex offender resides;

24 (v) The registered sex offender's race and gender;

25 (vi) The date of the last address verification of  
 26 the registered sex offender provided to the center;

27 (vii) The most recent photograph of the registered  
 28 sex offender that has been submitted to the center; ~~and~~

29 (viii) The registered sex offender's parole or  
 30 probation office;

31 (ix) The street name and block number, county, city,  
 32 and zip code where the sex offender is employed;

33 (x) Any institution of higher education in which the  
 34 sex offender is enrolled; and

35 (xi) The vehicle identification number and license  
 36 plate number of any vehicle the sex offender owns or operates.



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2 SECTION 12. Arkansas Code Title 12, Chapter 12, Subchapter 9, is  
3 amended to add a new section to read as follows:

4 12-12-925. Travel outside of the United States.

5 (a) A person who is required to register as a sex offender under this  
6 subchapter must report at least twenty-one (21) days before traveling outside  
7 of the United States to the local law enforcement agency having jurisdiction  
8 that he or she intends to travel outside of the United States.

9 (b) The person making the report under this section must also report  
10 to the local law enforcement agency having jurisdiction:

11 (1) The dates of travel; and

12 (2) The foreign country, colony, territory, or possessions that  
13 the person will visit.

14 (c)(1) A local law enforcement agency receiving a report under this  
15 section shall immediately report the information to the Arkansas Crime  
16 Information Center.

17 (2) Upon receiving information from a local law enforcement  
18 agency under this section, the center shall immediately report the  
19 information to the National Sex Offender Public Registry and to the United  
20 States Marshals Service.

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22 SECTION 13. Arkansas Code Title 12, Chapter 12, Subchapter 9, is  
23 amended to add a new section to read as follows:

24 12-12-926. Release of motor vehicle records by the Department of  
25 Finance and Administration.

26 (a) The Department of Finance and Administration may release to a law  
27 enforcement officer or agency information contained in a person's motor  
28 vehicle record if:

29 (1) The information is required for the law enforcement officer  
30 or agency to comply with this subchapter; and

31 (2) The use of the information by the law enforcement officer or  
32 agency is related to public safety.

33 (b) A law enforcement officer or agency that obtains a record from the  
34 department as provided in subsection (a) of this section may publicly  
35 disclose information contained in a person's motor vehicle record if the  
36 disclosure of the information is:

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(1) Required by this subchapter; and

(2) Related to public safety.

(c) This section does not authorize a law enforcement officer or agency to publicly disclose the following information obtained from a motor vehicle record:

(1) A person's social security number; or

(2) A person's medical or disability information.

/s/Gossage