

1 State of Arkansas
2 90th General Assembly
3 Regular Session, 2015

A Bill

SENATE BILL 604

4
5 By: Senator Elliott

For An Act To Be Entitled

8 AN ACT TO REQUIRE THE PREPARATION OF A RACIAL IMPACT
9 STATEMENT FOR CERTAIN BILLS FILED WITH THE SENATE AND
10 HOUSE OF REPRESENTATIVES; AND FOR OTHER PURPOSES.

Subtitle

14 TO REQUIRE THE PREPARATION OF A RACIAL
15 IMPACT STATEMENT FOR CERTAIN BILLS FILED
16 WITH THE SENATE AND HOUSE OF
17 REPRESENTATIVES.

18
19
20 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

21
22 SECTION 1. Arkansas Code Title 10, Chapter 2, Subchapter 1 is amended
23 to add an additional section to read as follows:

24 10-2-133. Racial impact statement.

25 (a)(1) A racial impact statement shall be prepared as provided in this
26 section for any bill filed in the Senate or House of Representatives that
27 will:

28 (A) Create a new misdemeanor or felony offense;

29 (B) Substantively change an element of an existing
30 misdemeanor or felony offense;

31 (C) Change the penalty for an existing misdemeanor or
32 felony offense; or

33 (D) Change existing sentencing, parole, or probation
34 procedures.

35 (2) A racial impact statement shall be prepared and filed with
36 the chair of the committee to which the bill is referred before the bill is



1 heard in the committee during a regular, fiscal, or special session of the
2 General Assembly.

3 (3) If a bill requiring a racial impact statement is amended, a
4 revised racial impact statement shall be prepared for the bill.

5 (b)(1)(A) Except as provided in subdivision (b)(1)(B) of this section,
6 the Office of Economic and Tax Policy, with the assistance of the Department
7 of Criminal Justice at the University of Arkansas at Little Rock, shall
8 prepare the racial impact statement required by this section.

9 (B) The Office of Economic and Tax Policy, with the
10 assistance of the Arkansas Coalition for Juvenile Justice and the Department
11 of Criminal Justice at the University of Arkansas at Little Rock, shall
12 prepare a racial impact statement for a bill under subdivision (a)(1) of this
13 section that has an impact on minors.

14 (2) The racial impact statement shall include without
15 limitation:

16 (A) The estimated number of criminal cases per year that
17 the bill will affect;

18 (B) The impact of the bill on a minority as defined in §
19 1-2-503;

20 (C) The impact of the bill upon correctional facilities
21 and services; and

22 (D) Other matters deemed relevant to the bill at issue.

23 (c)(1)(A) If a racial impact statement indicates a disparate impact on
24 a minority as defined in § 1-2-503, the sponsor of the bill shall consider
25 whether the bill may be amended to achieve its purpose with a lessened impact
26 on minorities.

27 (B) If a bill is amended to lessen its impact on
28 minorities the sponsor of the bill shall identify in writing, in the bill and
29 the racial impact statement, the methodology used to lessen the impact on
30 minorities in the amended proposal.

31 (2) If the sponsor of the bill elects not to amend the bill or
32 if the racial impact statement for an amended bill continues to indicate a
33 disparate impact on a minority, the sponsor of the bill shall:

34 (A) Withdraw the bill; or

35 (B) Identify in writing, in the bill and the racial impact
36 statement, his or her reasoning for proceeding with the bill despite the

1 disparate impact.

2 (d)(1) If a Senate or House bill is called up for final passage in the
3 Senate or House of Representatives and a racial impact statement is required
4 by this section and has not been provided by the author of the bill or by the
5 committee to which the bill was referred, the presiding officer of the Senate
6 or House of Representatives shall cause the bill to be referred for the
7 preparation of a racial impact statement, which shall be filed with the
8 presiding officer at least five (5) days prior to the bill again being called
9 up for final passage.

10 (2) The bill shall not be called back up for final action until
11 a racial impact statement has been filed with the presiding officer.

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