

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

*As Engrossed: S3/28/13*

# A Bill

SENATE BILL 1093

5 By: Senator Elliott  
6 By: Representatives H. Wilkins, Love  
7

## For An Act To Be Entitled

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

15 TO REQUIRE THE PREPARATION OF A RACIAL  
16 IMPACT STATEMENT FOR CERTAIN BILLS FILED  
17 WITH THE SENATE AND HOUSE OF  
18 REPRESENTATIVES.  
19  
20

21 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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23 SECTION 1. Arkansas Code Title 10, Chapter 2, Subchapter 1 is amended  
24 to add an additional section to read as follows:

25 10-2-132. Racial impact statement.

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

29 (A) Create a new offense;

30 (B) Significantly change an existing offense;

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

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

34 (2) A racial impact statement shall be prepared and filed with  
35 the chair of the committee to which the bill is referred before the bill is  
36 heard in the committee during a regular, fiscal, or special session of the



1 General Assembly.

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

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

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

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

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

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

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

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

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

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

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

33 (A) Withdraw the bill; or

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

