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4

A Bill

SENATE BILL 177

5 By: Senator T. Garner
6

For An Act To Be Entitled

8 AN ACT CONCERNING SEX OFFENDER REGISTRATION
9 REQUIREMENTS; AND FOR OTHER PURPOSES.
10

Subtitle

11 CONCERNING SEX OFFENDER REGISTRATION
12 REQUIREMENTS.
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17 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
18

19 SECTION 1. Arkansas Code § 12-12-906(a)(2)(A), concerning sex offender
20 registration and sex offenders who move to this state, is amended to read as
21 follows:

22 (2)(A) A sex offender who moves to or returns to this state from
23 another jurisdiction and who would be required to register as a sex offender
24 in the jurisdiction in which he or she was adjudicated guilty or delinquent
25 of a sex offense shall register with the local law enforcement agency having
26 jurisdiction in person within ~~seven (7)~~ five (5) calendar days after the sex
27 offender moves to a municipality or county of this state.
28

29 SECTION 2. Arkansas Code § 12-12-906(c)(1), concerning sex offender
30 registration, is amended to read as follows:

31 (c)(1)(A) When registering a sex offender as provided in subsection
32 (a) of this section, the sentencing court, the Department of Correction, the
33 Department of Community Correction, the Arkansas State Hospital, the
34 Department of Human Services, or the local law enforcement agency having
35 jurisdiction shall:

36 (i) Inform the sex offender of the duty to submit to



1 assessment and to register and obtain the information required for
2 registration as described in § 12-12-908;

3 (ii) Inform the sex offender that if the sex
4 offender changes residency within the state, the sex offender shall give the
5 new address and place of employment, education, higher education, or training
6 to the center in writing no later than ~~ten (10)~~ five (5) calendar days before
7 the sex offender establishes residency or is temporarily domiciled at the new
8 address;

9 (iii)(a) Inform the sex offender that if the sex
10 offender changes residency to another state or enters another state to work
11 or attend school, the sex offender must also register in that state
12 regardless of permanent residency.

13 (b) The sex offender shall register the new
14 address and place of employment, education, higher education, or training
15 with the center and with a designated law enforcement agency in the new state
16 in person not later than ~~three (3) business~~ five (5) calendar days after the
17 sex offender establishes ~~residence~~ residency or is temporarily domiciled in
18 the new state;

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

22 (v) Obtain a deoxyribonucleic acid (DNA) sample if
23 one has not already been provided;

24 (vi) Require the sex offender to complete the entire
25 registration process, including, but not limited to, requiring the sex
26 offender to read and sign a form stating that the duty of the sex offender to
27 register under this subchapter has been explained;

28 (vii) Inform the sex offender that if the sex
29 offender's address changes within the state or to another state due to an
30 eviction, natural disaster, or any other unforeseen circumstance, the sex
31 offender shall give the new address to the local law enforcement agency
32 having jurisdiction in person no later than ~~three (3) business~~ five (5)
33 calendar days after the sex offender establishes residency;

34 (viii) Inform a sex offender who has been granted
35 probation that failure to comply with the provisions of this subchapter may
36 be grounds for revocation of the sex offender's probation; and

1 (ix) Inform a sex offender subject to lifetime
2 registration under § 12-12-919 of the duty to:

3 (a) Verify registration and obtain the
4 information required for registration verification as described in
5 subsections (g) and (h) of this section; and

6 (b) Ensure that the information required for
7 reregistration verification under subsections (g) and (h) of this section is
8 provided to the local law enforcement agency having jurisdiction.

9 (B)(i) Any offender required to register as a sex offender
10 must provide a deoxyribonucleic acid (DNA) sample, that is, a blood sample or
11 saliva sample, upon registering if a sample has not already been provided to
12 the State Crime Laboratory.

13 (ii) Any offender required to register as a sex
14 offender who is entering the State of Arkansas must provide a
15 deoxyribonucleic acid (DNA) sample, that is, a blood sample or saliva sample,
16 upon registration and must pay the mandatory fee of two hundred fifty dollars
17 (\$250) to be deposited into the DNA Detection Fund established by § 12-12-
18 1119.

19 (2) When updating the registration file of a sex offender, the
20 Department of Correction, the Department of Community Correction, the
21 Arkansas State Hospital, or the Department of Human Services shall:

22 (A) Review with the sex offender the duty to register and
23 obtain current information required for registration as described in § 12-12-
24 908;

25 (B) Review with the sex offender the requirement that if
26 the sex offender changes address within the state, the sex offender shall
27 give the new address to the local law enforcement agency having jurisdiction
28 in person no later than ~~ten (10)~~ five (5) calendar days before the sex
29 offender establishes residency or is temporarily domiciled at the new
30 address;

31 (C) Review with the sex offender the requirement that if
32 the sex offender changes address to another state, the sex offender shall
33 register the new address with the local law enforcement agency having
34 jurisdiction in person and with a designated law enforcement agency in the
35 new state in person not later than ~~three (3) business~~ five (5) calendar days
36 after the sex offender establishes ~~residence~~ residency or is temporarily

1 domiciled in the new state if the new state has a registration requirement;

2 (D) Require the sex offender to read and sign a form
3 stating that the duty of the sex offender to register under this subchapter
4 has been reviewed;

5 (E) Inform the sex offender that if the sex offender's
6 address changes within the state or to another state due to an eviction,
7 natural disaster, or any other unforeseen circumstance, the sex offender
8 shall give the new address to the local law enforcement agency having
9 jurisdiction in person no later than ~~three (3) business~~ five (5) calendar
10 days after the sex offender establishes residency;

11 (F) Review with the sex offender the consequences of
12 failure to provide any information required by subdivision (b)(2) of this
13 section;

14 (G) Inform a sex offender subject to lifetime registration
15 under § 12-12-919 of the duty to:

16 (i) Verify registration and report the information
17 required for registration verification as described in subsections (g) and
18 (h) of this section; and

19 (ii) Ensure that the information required for
20 registration verification under subsections (g) and (h) of this section is
21 provided in person to the local law enforcement agency having jurisdiction;
22 and

23 (H) Review with a sex offender subject to lifetime
24 registration under § 12-12-919 the consequences of failure to verify
25 registration under § 12-12-904.

26
27 SECTION 3. Arkansas Code § 12-12-906(f), concerning sex offender
28 registration and name changes, is amended to read as follows:

29 (f)(1) A sex offender required to register under this subchapter shall
30 not change his or her name unless the change is:

31 (A) Incident to a change in the marital status of the sex
32 offender; or

33 (B) Necessary to effect the exercise of the religion of
34 the sex offender.

35 (2) The change in the sex offender's name shall be reported to
36 the local law enforcement agency having jurisdiction in person within ~~ten~~

1 ~~(10)~~ five (5) calendar days after the change in name.

2 (3) A violation of this subsection is a Class C felony.

3
4 SECTION 4. Arkansas Code § 12-12-907(a)(1), concerning reporting sex
5 offender registration to the Arkansas Crime Information Center, is amended to
6 read as follows:

7 (a)(1) Within three (3) days after registering or updating the
8 registration file of a sex offender, the Department of Correction, the
9 Department of Community Correction, the Department of Human Services, the
10 sentencing court, or the local law enforcement agency having jurisdiction
11 shall report, by ~~written or~~ electronic means, all information obtained from
12 the sex offender and regarding the sex offender to the Arkansas Crime
13 Information Center.

14
15 SECTION 5. Arkansas Code § 12-12-907(b)(1)(A), concerning sex offender
16 registration and reporting to law enforcement, is amended to read as follows:

17 (b)(1)(A) No later than ~~ten (10)~~ five (5) calendar days after release
18 from incarceration or after the date of sentencing, a sex offender shall
19 report in person to the local law enforcement agency having jurisdiction and
20 update the information in the registration file.

21
22 SECTION 6. Arkansas Code § 12-12-907(b)(2), concerning reporting a sex
23 offender's registration to the Arkansas Crime Information Center, is amended
24 to read as follows:

25 (2) Within three (3) days after registering a sex offender or
26 receiving updated registry information on a sex offender, the local law
27 enforcement agency having jurisdiction shall report, by ~~written or~~ electronic
28 means, all information obtained from the sex offender to the center.

29
30 SECTION 7. Arkansas Code § 12-12-909(a)(2)(C), concerning sex offender
31 verification, is amended to read as follows:

32 (C) The local law enforcement agency having jurisdiction
33 shall file the verification of registration electronically with the center
34 through a system provided by the center.

35
36 SECTION 8. Arkansas Code § 12-12-909(a)(3) – (6), concerning sex

1 offender registration and registration verification, are amended to read as
2 follows:

3 ~~(3) If the sex offender lives in a jurisdiction that does not~~
4 ~~have a local law enforcement agency having jurisdiction that is able to~~
5 ~~electronically file the verification, the verification shall be done by~~
6 ~~certified mail in the following manner:~~

7 ~~(A) The center shall mail a nonforwardable verification~~
8 ~~form to the last reported address of the sex offender by certified mail;~~

9 ~~(B)(i) The sex offender shall return the verification form~~
10 ~~in person to the local law enforcement agency having jurisdiction within ten~~
11 ~~(10) days after receipt of the verification form.~~

12 ~~(ii) Within three (3) days after receipt of the~~
13 ~~verification form, the local law enforcement agency having jurisdiction shall~~
14 ~~forward the verification form to the center;~~

15 ~~(C) The verification form shall be signed by the sex~~
16 ~~offender and state that the sex offender still resides at the address last~~
17 ~~reported to the center; and~~

18 ~~(D) If the sex offender fails to return the verification~~
19 ~~form to the local law enforcement agency having jurisdiction in person within~~
20 ~~ten (10) days after receipt of the verification form, the sex offender is in~~
21 ~~violation of this subchapter.~~

22 ~~(4)(3)~~ If the sex offender changes his or her address without
23 notice ~~or fails to return the verification form if he or she is allowed to do~~
24 ~~so by mail~~, notification shall be sent to law enforcement and supervising
25 parole or probation authorities, and notice may be posted on the internet
26 until proper reporting is again established or the sex offender is
27 incarcerated.

28 ~~(5)(4)~~ Subdivision (a)(1) of this section applies to a sex
29 offender required to register as a sexually dangerous person, except that the
30 sexually dangerous person shall verify the registration in person every
31 ninety (90) days after the date of the initial release or commencement of
32 parole.

33 ~~(6)(5)~~ Subdivision (a)(1) of this section applies to a sex
34 offender required to register under this subchapter who claims to be homeless
35 except that a sex offender claiming to be homeless shall verify the
36 registration in person every thirty (30) days during the period of time in

1 which the sex offender is required to register under this subchapter and
2 claims to be homeless.

3
4 SECTION 9. Arkansas Code § 12-12-909(b)(1), concerning sex offender
5 registration and changing addresses within the state, is amended to read as
6 follows:

7 (b)(1)(A) Before a change of address within the state, a sex offender
8 shall report the change of address to the local law enforcement agency having
9 jurisdiction in person no later than ~~ten (10)~~ five (5) calendar days before
10 the sex offender establishes residency or is temporarily domiciled at the new
11 address.

12 (B) The sex offender shall report to the local law
13 enforcement agency having jurisdiction of the new address in person within
14 ~~three (3)~~ five (5) calendar days after relocating to the new address.

15 (C) Upon receipt of a report of a change of address as
16 described in subdivision (b)(1)(A) of this section, the local law enforcement
17 agency having jurisdiction shall report the change of address to the center.

18 (D) Other than a change of address as provided in
19 subdivision (b)(1)(A) of this section, a sex offender shall report a change
20 of any other information required to be reported at registration under § 12-
21 12-908 or required to be reported at the time of verification under § 12-12-
22 906 to the local law enforcement agency having jurisdiction in person within
23 ~~ten (10)~~ five (5) calendar days of the change.

24
25 SECTION 10. Arkansas Code § 12-12-909(c)(1), concerning sex offender
26 registration and changing address to another state, is amended to read as
27 follows:

28 (c)(1) Before a change of address to another state, a sex offender
29 shall register the new address with the local law enforcement agency having
30 jurisdiction in person and with a designated law enforcement agency in the
31 state to which the sex offender moves in person not later than ~~ten (10)~~ five
32 (5) calendar days before the sex offender establishes ~~residence~~ residency or
33 is temporarily domiciled in the new state if the new state has a registration
34 requirement.