



*Arkansas
Sentencing
Commission*

**Impact Assessment for SB206
Sponsored by Senator Irvin**

Subtitle CONCERNING THE TERMINATION OF A PERSON’S OBLIGATION TO REGISTER AS A SEX OFFENDER; AND CONCERNING LIFETIME REGISTRATION FOR CERTAIN REPEAT OFFENDERS.

Impact Summary¹ Cannot be determined.

Change from current law² Amends Arkansas Code Annotated § 12-12-919(a), Termination of obligation to register, by enumerating another circumstance in which a sex offender would be subject to lifetime registration. Under current law, lifetime registration is required for a sex offender who (1) was found to have committed an aggravated sex offense; (2) was determined by the court to be or assessed as a Level 4 sexually dangerous person; (3) has pleaded guilty or nolo contendere to or been found guilty of a second or subsequent sex offense under a separate case number; or (4) was convicted of rape by forcible compulsion. In addition to current law, the proposed bill requires lifetime registration if the sex offender has pleaded guilty or nolo contendere to or has been found guilty of failing to comply with registration and reporting requirements under A.C.A. § 12-12-904 three (3) or more times.

The proposed bill also requires that a sex offender who has not been assessed in the five (5) years before making a request to terminate his or her obligation to register as a sex offender submit to a reassessment, including a polygraph test.

Impact Information

The proposed bill increases the pool of potential offenders for A.C.A. § 12-12-904, Failure to comply with registration and reporting requirements, by requiring lifetime registration for additional offenders and creating additional steps to being removed from the sex offender registry.

The Arkansas Crime Information Center reports that since the Arkansas Sex Offender Registry began in 1998, 321 offenders have been removed from the registry. Of those 321 offenders, data does not differentiate by type of crime committed.

¹ This impact assessment was prepared (2/05/2019, 8:31 a.m.) by the staff of the Arkansas Sentencing Commission pursuant to A. C. A. § 16-90-802(d)(6) with data supplied by the Arkansas Department of Correction and the Administrative Office of the Courts. A micro-simulation model may be used for bills which have the potential for significant impact on correctional resources. The following designations will be used: “minimal” = less than 10 offenders per year will be affected; “medium” = would require budgetary increases for ADC inmate costs; and “major” = would require budgetary increases for ADC inmate costs and construction costs for additional beds.

² Standard punishment ranges:

Class Y	10-40 years or life	Class C	3-10 years; up to \$10,000	Class A	Up to 1 year; up to \$2,500
Class A	6-30 years; up to \$15,000	Class D	0-6 years; up to \$10,000	Class B	Up to 90 days; up to \$1,000
Class B	5-20 years; up to \$15,000	Unclassified	As specified in statute	Class C	Up to 30 days; up to \$500

The Administrative Office of the Courts reports that for the three year period beginning January 1, 2015 and ending December 31, 2017, there were 1,165 convictions for a violation of A.C.A. § 12-12-904, Failure to comply with registration and reporting requirements, Class C felony, as currently written.

The Arkansas Department of Correction reports that there are currently 680 inmates serving a sentence for A.C.A. § 12-12-904, Failure to comply with registration and reporting requirements, Class C felony, as currently written. 208 of these offenders are serving a sentence for which A.C.A. § 12-12-904 is the most serious offense.

A.C.A. § 12-12-904. Failure to comply with registration and reporting requirements -- Refusal to cooperate with assessment process.

(a) (1) (A) A person is guilty of a Class C felony who:

- (i)** Fails to register or verify registration as required under this subchapter;
- (ii)** Fails to report in person a change of address, employment, education, or training as required under this subchapter;
- (iii)** Refuses to cooperate with the assessment process as required under this subchapter; or
- (iv)** Files false paperwork or documentation regarding verification, change of information, or petitions to be removed from the registry.

(B)

- (i)** Upon conviction, a sex offender who fails or refuses to provide any information necessary to update his or her registration file as required by § 12-12-906(b)(2) is guilty of a Class C felony.
- (ii)** If a sex offender fails or refuses to provide any information necessary to update his or her registration file as required by § 12-12-906(b)(2), as soon as administratively feasible the Department of Correction, the Department of Community Correction, the Arkansas State Hospital, or the Department of Human Services shall contact the local law enforcement agency having jurisdiction to report the violation of subdivision (a)(1)(B)(i) of this section.

(2) It is an affirmative defense to prosecution if the person:

(A) Delayed reporting a change in address because of:

- (i)** An eviction;
- (ii)** A natural disaster; or
- (iii)** Any other unforeseen circumstance; and

(B) Provided the new address to the local law enforcement agency having jurisdiction in person no later than five (5) business days after the person establishes residency.

(b) Any agency or official subject to reporting requirements under this subchapter that knowingly fails to comply with the reporting requirements under this subchapter is guilty of a Class B misdemeanor.

HISTORY: Acts 1997, No. 989, § 11; 1999, No. 1353, § 2; 2001, No. 1743, § 3; 2006 (1st Ex. Sess.), No. 4, § 1; 2007, No. 394, § 3; 2013, No. 172, § 2; 2015, No. 358, § 1; 2017, No. 916, § 2.