

2 State of Arkansas
3 94th General Assembly
4 Regular Session, 2023

A Bill

SENATE BILL 582

5
6 By: Senator Irvin

7 Filed with: Senate Committee on Judiciary
8 pursuant to A.C.A. §10-3-217.

9 For An Act To Be Entitled

10 AN ACT TO PERMIT SENTENCE ENHANCEMENT FOR CERTAIN SEX
11 OFFENDERS; TO PROVIDE FOR THE ADMINISTRATION OF
12 MEDROXYPROGESTERONE ACETATE TREATMENT FOR CERTAIN SEX
13 OFFENDERS; AND FOR OTHER PURPOSES.

14 15 16 Subtitle

17 TO PERMIT SENTENCE ENHANCEMENT FOR
18 CERTAIN SEX OFFENDERS; AND TO PROVIDE FOR
19 THE ADMINISTRATION OF MEDROXYPROGESTERONE
20 ACETATE TREATMENT FOR CERTAIN SEX
21 OFFENDERS.

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24 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

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26 SECTION 1. Arkansas Code Title 5, Chapter 4, Subchapter 7, is amended
27 to add an additional section to read as follows:

28 5-4-708. Administration of medroxyprogesterone acetate to certain sex
29 offenders.

30 (a)(1) Subject to subsection (b) of this section, a person who commits
31 a first offense of any of the following offenses, upon conviction, may be
32 subject to an enhanced sentence of medroxyprogesterone acetate treatment
33 ordered by the court under a schedule of administration ordered by the court
34 and administered and monitored by the Department of Corrections, if the
35 victim of the offense was twelve (12) years of age or younger:

36 (A) Rape, § 5-14-103;

1 (B) Sexual assault in the first degree, § 5-14-124; or

2 (C) Sexual assault in the second degree, § 5-14-125.

3 (2) A person who commits a second or subsequent offense of an
4 offense listed in subdivision (a)(1) of this section, if the victim of the
5 offense was twelve (12) years of age or younger, upon conviction shall be
6 subject to an enhanced sentence of medroxyprogesterone acetate treatment
7 ordered by the court and under a schedule of administration monitored by the
8 Department of Corrections.

9 (b)(1) An order of a court sentencing a defendant to
10 medroxyprogesterone acetate treatment under this section shall be contingent
11 upon a determination by a medical expert appointed by the court that the
12 defendant is an appropriate candidate for medroxyprogesterone acetate
13 treatment.

14 (2) The determination of the medical expert under subdivision
15 (b)(1) of this section shall be made not later than sixty (60) days from the
16 imposition of sentence.

17 (3) An order of the court sentencing a defendant to
18 medroxyprogesterone acetate treatment under this section shall specify the
19 duration of medroxyprogesterone acetate treatment for a specific term of
20 years, or in the discretion of the court, up to the life of the defendant.

21 (c)(1) The department shall provide the services necessary to
22 administer and monitor medroxyprogesterone acetate treatment.

23 (2) In a case involving a defendant sentenced to a period of
24 incarceration or confinement in an institution, the treatment under this
25 section with medroxyprogesterone acetate shall commence not later than one
26 (1) week prior to the defendant's release from prison or such institution.

27 (3) This section does not require continued medroxyprogesterone
28 acetate treatment under this section when it is not medically appropriate.

29 (d)(1) If a court sentences a defendant to medroxyprogesterone acetate
30 treatment under this section, treatment may not be imposed as a substitute
31 for a penalty or to reduce any other penalty prescribed by law.

32 (2) However, instead of medroxyprogesterone acetate treatment
33 under this section, the court may order the defendant to undergo physical
34 castration if the defendant files a written motion with the court stating
35 that he intelligently and knowingly gives his voluntary consent to physical
36 castration as an alternative to the medroxyprogesterone acetate treatment.

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Referred requested by the Arkansas Senate
Prepared by: JLC/SJA