

INTERIM STUDY PROPOSAL 2021-017

1
2 State of Arkansas
3 93rd General Assembly
4 Regular Session, 2021

A Bill

HOUSE BILL 1579

5
6 By: Representative B. Smith

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

For An Act To Be Entitled

9
10 AN ACT TO CREATE THE TERRORISM OFFENDER REGISTRATION
11 ACT OF 2021; AND FOR OTHER PURPOSES.

12
13
14 **Subtitle**

15 TO CREATE THE TERRORISM OFFENDER
16 REGISTRATION ACT OF 2021.

17
18
19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

20
21 SECTION 1. Arkansas Code Title 12, Chapter 12, is amended to add an
22 additional subchapter to read as follows:

23
24 Subchapter 20 – Terrorism Offender Registration Act of 2021

25
26 12-12-2001. Title.

27 This subchapter shall be known and may be cited as the “Terrorism
28 Offender Registration Act of 2021”.

29
30 12-12-2002. Definitions.

31 As used in this subchapter:

32 (1) “Change of address” means a change of residence or a change
33 for more than thirty (30) days of a temporary domicile, change of location of
34 employment, education or training, or any other change that alters where a
35 terrorism offender regularly spends a substantial amount of time;

1 (2) "Criminal justice agency" means a government agency or any
2 subunit of a government agency that is authorized by law to perform the
3 administration of criminal justice and which allocates more than one-half
4 (1/2) of its annual budget to the administration of criminal justice;

5 (3) "Local law enforcement agency having jurisdiction" means
6 the:

7 (A) Chief law enforcement officer of the municipality in
8 which a terrorism offender:

9 (i) Resides or expects to reside;

10 (ii) Is employed; or

11 (iii) Is attending an institution of training or
12 education; or

13 (B) County sheriff, if:

14 (i) The municipality does not have a chief law
15 enforcement officer; or

16 (ii) A terrorism offender resides or expects to
17 reside, is employed, or is attending an institution of training or education
18 in an unincorporated area of a county;

19 (4) "Terrorism offender" means a person convicted of a terrorism
20 offense; and

21 (5) "Terrorism offense" means an offense under § 5-54-201 et
22 seq., and includes any substantially similar offense under the laws of
23 another state, or under any military, territorial, tribal, or federal law.

24
25 12-12-2003. Duty to register or verify registration – Review of
26 requirements with offenders.

27 (a)(1)(A)(i) At the time of adjudication of guilt, the sentencing
28 court shall enter on the judgment and commitment or judgment and disposition
29 form that the offender is required to register as a terrorism offender.

30 (ii) If the sentencing court finds the offender is
31 required to register as a terrorism offender, then at the time of
32 adjudication of guilt the sentencing court shall require the terrorism
33 offender to complete the terrorism offender registration form prepared by the
34 Director of the Arkansas Crime Information Center under this subchapter and
35 shall forward the completed terrorism offender registration form to the
36 Arkansas Crime Information Center.

1 (B)(i) The Division of Correction shall ensure that a
2 terrorism offender received for incarceration has completed the terrorism
3 offender registration form.

4 (ii) If the Division of Correction cannot confirm
5 that the terrorism offender has completed the terrorism offender registration
6 form, the Division of Correction shall require the terrorism offender to
7 complete the terrorism offender registration form upon intake, release, or
8 discharge.

9 (C)(i) The Division of Community Correction shall ensure
10 that a terrorism offender placed on probation or another form of community
11 supervision has completed the terrorism offender registration form.

12 (ii) If the Division of Community Correction cannot
13 confirm that the terrorism offender has completed the terrorism offender
14 registration form, the Division of Community Correction shall require the
15 terrorism offender to complete the terrorism offender registration form upon
16 intake, release, or discharge.

17 (2)(A) A terrorism offender who moves to or returns to this
18 state from another jurisdiction and who would be required to register as a
19 terrorism offender in the jurisdiction in which he or she was adjudicated
20 guilty or delinquent of a terrorism offense shall register with the local law
21 enforcement agency having jurisdiction in person within five (5) calendar
22 days after the terrorism offender moves to a municipality or county of this
23 state.

24 (B) A person living in this state who would be required to
25 register as a terrorism offender in the jurisdiction in which he or she was
26 adjudicated guilty or delinquent of a terrorism offense shall register as a
27 terrorism offender in this state whether living, working, or attending school
28 or other training in Arkansas.

29 (C) A terrorism offender sentenced and required to
30 register outside of Arkansas shall:

31 (i) Submit to assessment by Community Notification
32 Assessment if he or she is at least eighteen (18) years of age at the time he
33 or she enters this state to live, work, or attend school;

34 (ii) Provide a deoxyribonucleic acid (DNA) sample if
35 a sample is not already accessible to the State Crime Laboratory; and

1 (iii)(a) Pay the mandatory fee of two hundred fifty
2 dollars (\$250) to be deposited into the DNA Detection Fund established by §
3 12-12-1119 within ninety (90) days from the date of registration.

4 (b) Failure to pay the fee required under
5 subdivision (a)(2)(C)(iii)(a) of this section is a Class A misdemeanor.

6 (b)(1) The registration file of a terrorism offender who is confined
7 in a correctional facility or serving a commitment following acquittal on the
8 grounds of mental disease or defect shall be inactive until the registration
9 file is updated by the state agency responsible for supervision of the
10 terrorism offender.

11 (2) Immediately prior to the release or discharge of a terrorism
12 offender or immediately following a terrorism offender's escape or his or her
13 absconding from supervision, the Division of Correction, the Division of
14 Community Correction, the Arkansas State Hospital, or the Department of Human
15 Services shall update the registration file of the terrorism offender who is
16 to be released or discharged or who has escaped or has absconded from
17 supervision.

18 (c)(1)(A) When registering a terrorism offender as provided in
19 subsection (a) of this section, the sentencing court, the Division of
20 Correction, the Division of Community Correction, the Arkansas State
21 Hospital, the Department of Human Services, or the local law enforcement
22 agency having jurisdiction shall:

23 (i) Inform the terrorism offender of the duty to
24 submit to assessment and to register and obtain the information required for
25 registration as described under this subchapter;

26 (ii) Inform the terrorism offender that if the
27 offender changes residency within the state, the offender shall give the new
28 address and place of employment, education, higher education, or training to
29 the center in writing no later than five (5) calendar days before the
30 offender establishes residency or is temporarily domiciled at the new
31 address;

32 (iii)(a) Inform the terrorism offender that if the
33 offender changes residency to another state or enters another state to work
34 or attend school, the offender must also register in that state regardless of
35 permanent residency.

1 (b) The terrorism offender shall register the
2 new address and place of employment, education, higher education, or training
3 with the center and with a designated law enforcement agency in the new state
4 in person not later than five (5) calendar days after the offender
5 establishes residency or is temporarily domiciled in the new state;

6 (iv) Obtain fingerprints, palm prints, and a
7 photograph of the terrorism offender if these have not already been obtained
8 in connection with the offense that triggered registration;

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

11 (vi) Require the terrorism offender to complete the
12 entire registration process, including, but not limited to, requiring the
13 offender to read and sign a form stating that the duty of the terrorism
14 offender to register under this subchapter has been explained;

15 (vii) Inform the terrorism offender that if the
16 offender's address changes within the state or to another state due to an
17 eviction, natural disaster, or any other unforeseen circumstance, the
18 offender shall give the new address to the local law enforcement agency
19 having jurisdiction in person no later than five (5) calendar days after the
20 offender establishes residency;

21 (viii) Inform a terrorism offender who has been
22 granted probation that failure to comply with the provisions of this
23 subchapter may be grounds for revocation of the offender's probation; and

24 (ix) Inform a terrorism offender subject to
25 registration under this subchapter of the duty to:

26 (a) Verify registration and obtain the
27 information required for registration verification as described in subsection
28 (g) of this section; and

29 (b) Ensure that the information required for
30 registration verification under subsection (g) of this section is provided to
31 the local law enforcement agency having jurisdiction.

32 (B)(i) An offender required to register as a terrorism
33 offender must provide a deoxyribonucleic acid (DNA) sample, that is, a blood
34 sample or saliva sample, upon registering if a sample has not already been
35 provided to the State Crime Laboratory.

1 (ii) An offender required to register as a terrorism
2 offender who is entering the State of Arkansas must provide a
3 deoxyribonucleic acid (DNA) sample, that is, a blood sample or saliva sample,
4 upon registration and must pay the mandatory fee of two hundred fifty dollars
5 (\$250) to be deposited into the DNA Detection Fund established by § 12-12-
6 1119.

7 (2) When updating the registration file of a terrorism offender,
8 the Division of Correction, the Division of Community Correction, the
9 Arkansas State Hospital, or the Department of Human Services shall:

10 (A) Review with the terrorism offender the duty to
11 register and obtain current information required for registration as
12 described under this subchapter;

13 (B) Review with the terrorism offender the requirement
14 that if the terrorism offender changes address within the state, the
15 terrorism offender shall give the new address to the local law enforcement
16 agency having jurisdiction in person no later than five (5) calendar days
17 before the terrorism offender establishes residency or is temporarily
18 domiciled at the new address;

19 (C) Review with the terrorism offender the requirement
20 that if the terrorism offender changes address to another state, the
21 terrorism offender shall register the new address with the local law
22 enforcement agency having jurisdiction in person and with a designated law
23 enforcement agency in the new state in person not later than five (5)
24 calendar days after the terrorism offender establishes residency or is
25 temporarily domiciled in the new state if the new state has a registration
26 requirement;

27 (D) Require the terrorism offender to read and sign a form
28 stating that the duty of the terrorism offender to register under this
29 subchapter has been reviewed;

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

1 (F) Review with the terrorism offender the consequences of
2 failure to provide any information required by subdivisions (f)(3)-(7) of
3 this section;

4 (G) Inform a terrorism offender subject to lifetime
5 registration under this subchapter of the duty to:

6 (i) Verify registration and report the information
7 required for registration verification as described in subdivisions (f)(3)-
8 (7) of this section; and

9 (ii) Ensure that the information required for
10 registration verification under subdivisions (f)(3)-(7) of this section is
11 provided in person to the local law enforcement agency having jurisdiction;
12 and

13 (H) Review with a terrorism offender subject to lifetime
14 registration under this subchapter the consequences of failure to verify
15 registration under this subchapter.

16 (d) A terrorism offender working, enrolled, or volunteering in a
17 public or private elementary, secondary or postsecondary school, or
18 institution of training shall notify the local law enforcement agency having
19 jurisdiction in person of that status and shall register in person with the
20 local law enforcement agency having jurisdiction over that campus.

21 (e)(1) A terrorism offender required to register under this subchapter
22 shall not change his or her name unless the change is:

23 (A) Incidental to a change in the marital status of the
24 terrorism offender; or

25 (B) Necessary to effect the exercise of the religion of
26 the terrorism offender.

27 (2) The change in the terrorism offender's name shall be
28 reported to the local law enforcement agency having jurisdiction in person
29 within five (5) calendar days after the change in name.

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

31 (f)(1) A terrorism offender subject to registration under this
32 subchapter shall report in person every six (6) months after registration to
33 the local law enforcement agency having jurisdiction to verify registration.

34 (2)(A) The local law enforcement agency having jurisdiction may
35 determine the appropriate times and days for in-person reporting by the

1 terrorism offender, and the determination shall be consistent with the
2 reporting requirements of subdivision (f)(1) of this section.

3 (B)(i) If the day a terrorism offender is scheduled to
4 report under this section passes before the day a local law enforcement
5 agency having jurisdiction has determined as appropriate, the terrorism
6 offender shall not be considered out of compliance if he or she reports at
7 the next date set by the local law enforcement agency having jurisdiction.

8 (ii) If a local law enforcement agency having
9 jurisdiction sets specific times and days for reporting, then the local law
10 enforcement agency having jurisdiction shall have the appropriate staff
11 available at those times and days for a terrorism offender to report under
12 this section.

13 (3) Registration verification shall include reporting in person
14 any change to the following information concerning the terrorism offender:

15 (A) Name;

16 (B) Social Security number;

17 (C) Age;

18 (D) Race;

19 (E) Gender;

20 (F) Date of birth;

21 (G) Height;

22 (H) Weight;

23 (I) Hair and eye color;

24 (J)(i) Address of any permanent residence and address of
25 any current temporary residence within this state or out of this state,
26 including a rural route address and a post office box.

27 (ii) A post office box shall not be provided in lieu
28 of a physical residential address;

29 (K) Date and place of any employment or volunteer work;

30 (L) Vehicle make, model, color, and license plate number
31 that the terrorism offender owns, operates, or to which he or she has access;

32 (M)(i) Fingerprints.

33 (ii) If the local law enforcement agency having
34 jurisdiction cannot confirm that the terrorism offender's fingerprints are
35 contained in the automated fingerprint identification system, the local law
36 enforcement agency having jurisdiction shall:

1 (a) Take the terrorism offender's fingerprints
2 in person at an office of the local law enforcement agency having
3 jurisdiction; and

4 (b) Submit the fingerprints to the center and
5 to the Division of Arkansas State Police.

6 (iii) If the local law enforcement agency having
7 jurisdiction cannot confirm that the terrorism offender's palm prints are
8 contained in the automated palm print identification system, the local law
9 enforcement agency having jurisdiction shall:

10 (a) Take the terrorism offender's palm prints
11 in person at an office of the local law enforcement agency having
12 jurisdiction; and

13 (b) Submit the palm prints to the center and
14 to the Division of Arkansas State Police;

15 (N)(i) Photograph.

16 (ii) The local law enforcement agency having
17 jurisdiction shall take a photograph of the terrorism offender at each
18 registration verification in person at an office of the local law enforcement
19 agency having jurisdiction and submit the photograph to the center;

20 (O) All computers or other devices with internet
21 capability to which the terrorism offender has access;

22 (P) All email addresses used by the terrorism offender;

23 (Q)(i) Passport.

24 (ii) The local law enforcement agency having
25 jurisdiction shall obtain a copy of any passport issued to the person by any
26 country in the terrorism offender's name in person at an office of the local
27 law enforcement agency having jurisdiction at each registration verification
28 and submit the copy of any passport to the center;

29 (R)(i) Immigration documentation.

30 (ii) The local law enforcement agency having
31 jurisdiction shall obtain a copy of any immigration documents issued to the
32 terrorism offender by any country in person at an office of the local law
33 enforcement agency having jurisdiction at each registration verification and
34 submit a copy of the documents to the center;

35 (S)(i) Professional licenses and permits.

1 (ii) The local law enforcement agency having
2 jurisdiction shall obtain a copy of any federal, state, or local professional
3 license or permit issued to the terrorism offender in person at an office of
4 the local law enforcement agency having jurisdiction at each registration
5 verification and submit a copy of the documents to the center; and

6 (T) All social media account information.

7 (4) If the terrorism offender is enrolled or employed at an
8 institution of higher education in this state, the terrorism offender shall
9 also report in person to the local law enforcement agency having
10 jurisdiction:

11 (A) The name and address of each institution of higher
12 education where he or she is enrolled or employed, including each campus
13 attended;

14 (B) The county where each campus is located; and

15 (C) His or her enrollment or employment status.

16 (5) If the place of residence of the terrorism offender is a
17 motor vehicle, trailer, mobile home, modular home, or manufactured home, the
18 terrorism offender shall report in person the following information
19 concerning the motor vehicle, trailer, mobile home, modular home, or
20 manufactured home:

21 (A) Vehicle identification number;

22 (B) License tag number;

23 (C) Registration number; and

24 (D) A description, including color scheme.

25 (6) If the place of residence of the terrorism offender is a
26 vessel, live-aboard vessel, or houseboat, the terrorism offender shall report
27 in person the following information concerning the vessel, live-aboard
28 vessel, or houseboat:

29 (A) Hull identification number;

30 (B) Manufacturer's serial number;

31 (C) Name;

32 (D) Registration number; and

33 (E) A description, including color scheme.

34 (7) If a person who is required to register as a terrorism
35 offender owns an aircraft, the person shall provide in person the following
36 information concerning the aircraft:

- 1 (A) The aircraft registration number;
- 2 (B) The manufacturer and model of the aircraft; and
- 3 (C) A description of the color scheme of the aircraft.

4 (g) After verifying the registration of a terrorism offender under
5 subsection (f) of this section the local law enforcement agency having
6 jurisdiction shall file the verification with the center in accordance with
7 this subchapter.

8
9 12-12-2004. Duty to register or verify registration generally – Review
10 of requirements with offenders.

11 (a)(1)(A) Upon conviction, a person is guilty of a Class C felony who:

- 12 (i) Fails to register or verify registration as
13 required under this subchapter;
- 14 (ii) Fails to report in person a change of address,
15 employment, education, or training as required under this subchapter;
- 16 (iii) Refuses to cooperate with the assessment
17 process as required under this subchapter; or
- 18 (iv) Files false paperwork or documentation
19 regarding verification, change of information, or a petition to be removed
20 from the registration requirements under this subchapter.

21 (B)(i) Upon conviction, a terrorism offender who fails or
22 refuses to provide any information necessary to update his or her
23 registration file as required under this section is guilty of a Class C
24 felony.

25 (ii) If a terrorism offender fails or refuses to
26 provide any information necessary to update his or her registration file as
27 required under this subchapter as soon as administratively feasible the
28 Division of Correction, the Division of Community Correction, or the
29 Department of Human Services shall contact the local law enforcement agency
30 having jurisdiction to report the violation of subdivision (a)(1)(B)(i) of
31 this section.

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

- 33 (A) Delayed reporting a change in address because of:
 - 34 (i) An eviction;
 - 35 (ii) A natural disaster; or
 - 36 (iii) Any other unforeseen circumstance; and

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

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

7
8 12-12-2005. Applicability.

9 (a) The registration or registration verification requirements of this
10 subchapter apply to a person who:

11 (1) Is adjudicated guilty on or after the effective date of this
12 act, of a terrorism offense;

13 (2) Is serving a sentence of incarceration, probation, parole,
14 or other form of community supervision as a result of an adjudication of
15 guilt on or after the effective date of this act for a terrorism offense;

16 (3) Is acquitted on or after the effective date of this act on
17 the grounds of mental disease or defect for a terrorism offense; and

18 (4) Is serving a commitment as a result of an acquittal on or
19 after the effective date of this act on the grounds of mental disease or
20 defect for a terrorism offense.

21 (b) A person who has been adjudicated guilty of a terrorism offense
22 and whose record of conviction will be expunged under the provisions of §§
23 16-93-301 – 16-93-303 is not relieved of the duty to register or verify
24 registration.

25 (c)(1) If the underlying conviction of the registrant is reversed,
26 vacated, or set aside or if the registrant is pardoned, the registrant is
27 relieved from the duty to register or verify registration.

28 (2) Registration or registration verification shall cease upon
29 the receipt and verification by the Arkansas Crime Information Center of
30 documentation from the:

31 (A) Court verifying the fact that the conviction has been
32 reversed, vacated, or set aside; or

33 (B) Governor's office that the Governor has pardoned the
34 registrant.

35

1 12-12-2006. Report to Arkansas Crime Information Center – Report to
2 law enforcement agency.

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

10 (2) The center shall immediately enter the information into its
11 record system for maintenance in a central registry and notify the local law
12 enforcement agency having jurisdiction.

13 (b)(1)(A) No later than five (5) calendar days after release from
14 incarceration or after the date of sentencing, a terrorism offender shall
15 report in person to the local law enforcement agency having jurisdiction and
16 update the information in the registration file.

17 (B) If the terrorism offender is not already registered,
18 the local law enforcement agency having jurisdiction shall register the
19 terrorism offender in accordance with this subchapter.

20 (2) Within three (3) days after registering a terrorism offender
21 or receiving updated registry information on a terrorism offender, the local
22 law enforcement agency having jurisdiction shall report, by electronic means,
23 all information obtained from the terrorism offender to the center.

24 (3) The local law enforcement agency having jurisdiction shall
25 verify the address of terrorism offenders on a semiannual basis.

26 (4) The center shall have access to the offender tracking
27 systems of the Division of Correction and the Division of Community
28 Correction to confirm the location of registrants.

29 (c) The center shall establish an alert on the criminal history record
30 information of each person who is required to register under this subchapter
31 that would be visible and accessible to law enforcement agencies and law
32 enforcement officers while in the performance of their duties.

33
34 12-12-2007. Registration format – Requirements.

35 (a) The Director of the Arkansas Crime Information Center shall
36 prepare the format for registration as required in subsection (b) of this

1 section and shall provide instructions for registration to each organized
2 full-time municipal police department, county sheriff's office, the Division
3 of Correction, the Division of Community Correction, the Department of Human
4 Services, and the Administrative Office of the Courts.

5 (b) The registration file required by this subchapter shall include:

6 (1) The terrorism offender's full name and all aliases that the
7 terrorism offender has used or under which the terrorism offender has been
8 known;

9 (2) Date of birth;

10 (3) Sex;

11 (4) Race;

12 (5) Height;

13 (6) Weight;

14 (7) Hair and eye color;

15 (8) Address of any temporary residence;

16 (9) Anticipated address of legal residence;

17 (10) Driver's license number or state identification number, if
18 available;

19 (11) Social Security number;

20 (12) Place of employment, education, or training;

21 (13) Photograph, if not already obtained;

22 (14) Fingerprints, if not already obtained;

23 (15) Date of arrest, arresting agency, offense for which
24 convicted or acquitted, and arrest tracking number for each adjudication of
25 guilt or acquittal on the grounds of mental disease or defect;

26 (16) A brief description of the crime or crimes for which
27 registration is required;

28 (17) A statement in writing signed by the terrorism offender
29 acknowledging that the terrorism offender has been advised of the duty to
30 register imposed by this subchapter;

31 (18) All computers or other devices with internet capability to
32 which the terrorism offender has access;

33 (19) All email addresses used by the terrorism offender;

34 (20) Any other information that the center deems necessary,
35 including without limitation:

36 (A) Criminal and corrections records;

- (B) Nonprivileged personnel records;
- (C) Treatment and abuse registry records; and
- (D) Evidentiary genetic markers; and

(21) All social media account information.

(c) Certain information such as Social Security number, driver's license number, employer, email addresses, user names, screen names, or instant message names, information that may lead to identification of a victim of the terrorism offender, and other similar information may be excluded from the information that is released during the course of notification.

12-12-2008. Verification form – Change of address.

(a)(1) A terrorism offender required to register under this subchapter shall verify registration in person every six (6) months after the terrorism offender's initial registration date during the period of time in which the terrorism offender is required to register.

(2)(A)(i)(a) The verification shall be done in person at a local law enforcement agency having jurisdiction at which time the terrorism offender shall sign and date a Terrorism Offender Acknowledgment Form and a law enforcement officer shall also witness and sign the Terrorism Offender Acknowledgment Form.

(b) The Arkansas Crime Information Center shall create a uniform Terrorism Offender Acknowledgement Form required under this section.

(ii) The Terrorism Offender Acknowledgment Form shall state the date of verification as well as a date that the terrorism offender is required to return in person to a specific local law enforcement agency having jurisdiction to verify his or her address.

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

(3) If the terrorism offender changes his or her address without notice, notification shall be sent to law enforcement and supervising parole or probation authorities, and notice may be posted on the internet until proper reporting is again established or the terrorism offender is incarcerated.

1 (4) Subdivision (a)(1) of this section applies to a terrorism
2 offender required to register under this subchapter who claims to be homeless
3 except that a terrorism offender claiming to be homeless shall verify the
4 registration in person every thirty (30) days during the period of time in
5 which the terrorism offender is required to register under this subchapter
6 and claims to be homeless.

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

12 (B) The terrorism offender shall report to the local law
13 enforcement agency having jurisdiction of the new address in person within
14 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 terrorism offender shall report a
20 change of any other information required to be reported at registration under
21 § 12-12-908 or required to be reported at the time of verification under §
22 12-12-906 to the local law enforcement agency having jurisdiction in person
23 within five (5) calendar days of the change.

24 (2) When a change of address within the state is reported to the
25 center, the center shall immediately report the change of address to the
26 local law enforcement agency having jurisdiction where the terrorism offender
27 expects to reside.

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

35 (2) When a change of address to another state is reported to the
36 center, the center shall immediately notify the law enforcement agency with

1 which the terrorism offender must register in the new state if the new state
2 has a registration requirement.

3 (d) The center shall require a terrorism offender to report any change
4 of information through the local law enforcement agency having jurisdiction.

5
6 12-12-2009. Fine.

7 (a) The sentencing court shall assess at the time of sentencing a
8 mandatory fine of two hundred fifty dollars (\$250) on any person who is
9 required to register under this subchapter.

10 (b)(1) A person who relocates to this state and was convicted of an
11 offense in another state that requires registration in this state shall pay a
12 fee of two hundred fifty dollars (\$250) within ninety (90) days from the date
13 of registration.

14 (2)(A) A person who fails to pay the fee required under
15 subdivision (b)(1) of this section upon conviction is guilty of a Class A
16 misdemeanor.

17 (B) The person required to register has an affirmative
18 defense to failure to pay a fee if he or she shows that his or her failure to
19 pay the fee was not attributable to a:

20 (i) Purposeful refusal to obey the sentence of the
21 court; or

22 (ii) Failure on the defendant's part to make a good
23 faith effort to obtain the funds required for payment.

24
25 12-12-2010. Arrest for violations.

26 (a) In order for a terrorism offender to be charged with the
27 commission of a violation of this subchapter so that an arrest warrant may be
28 issued, the local law enforcement agency having jurisdiction shall notify the
29 prosecutor when the local law enforcement agency having jurisdiction has
30 reasonable grounds for believing that a terrorism offender is not registered,
31 has not reported a change of address or change of any other information
32 required to be provided by the terrorism offender, or has not verified the
33 terrorism offender's address in violation of this subchapter.

34 (b) The address of a terrorism offender as listed in the terrorism
35 offender's registration file shall determine which local law enforcement
36 agency has jurisdiction.

1 (c) A law enforcement officer shall arrest a terrorism offender when a
2 warrant has been issued for the terrorism offender's arrest, the law
3 enforcement officer has probable cause to believe that a terrorism offender
4 has committed an offense under this subchapter, or the law enforcement
5 officer has reasonable grounds for believing that a terrorism offender is not
6 registered or has not reported a change of address or change of any other
7 information required to be provided by the terrorism offender in violation of
8 this subchapter.

9
10 12-12-2011. Disclosure.

11 (a)(1) Registration records maintained under this subchapter shall be
12 open to any criminal justice agency in this state, the United States
13 Government, or any other state.

14 (2) Registration records may also be open to government agencies
15 authorized by law to conduct confidential background checks.

16 (b)(1) A local law enforcement agency having jurisdiction that decides
17 to disclose information under this section shall make a good faith effort to
18 notify the public and residents at least fourteen (14) days before a
19 terrorism offender is released or placed into the community.

20 (2) If a change occurs in a terrorism offender's release plan,
21 this notification provision shall not require an extension of the release
22 date.

23 (3) In conjunction with the notice provided under this section,
24 the Division of Correction, the Division of Community Correction, and the
25 Department of Human Services shall make available to a local law enforcement
26 agency having jurisdiction all information that the Division of Correction,
27 the Division of Community Correction, and the Department of Human Services
28 have concerning the terrorism offender, including information on risk factors
29 in the terrorism offender's history.

30 (c)(1) A local law enforcement agency having jurisdiction that decides
31 to disclose information under this section shall make a good faith effort to
32 conceal the identity of the victim or victims of the terrorism offender's
33 offense.

34 (2) Information under this section is not subject to disclosure
35 under the Freedom of Information Act of 1967, § 25-19-101 et seq.

1 (d) A local law enforcement agency having jurisdiction may continue to
2 disclose information on a terrorism offender under this section for as long
3 as the terrorism offender is required to be registered under this subchapter.

4 (e)(1) The State Board of Education and the Career Education and
5 Workforce Development Board shall promulgate guidelines for the disclosure to
6 students and parents of information regarding a terrorism offender when such
7 information is released to a local school district or institution of
8 vocational training by a local law enforcement agency having jurisdiction.

9 (2) The Arkansas Higher Education Coordinating Board shall
10 promulgate guidelines for the disclosure to students of information regarding
11 a terrorism offender when information regarding a terrorism offender is
12 released to an institution of higher education by a local law enforcement
13 agency having jurisdiction.

14 (3) In accordance with guidelines promulgated by the State Board
15 of Education, the board of directors of a local school district or
16 institution of vocational training shall adopt a written policy regarding the
17 distribution to students and parents of information regarding a terrorism
18 offender.

19 (4) In accordance with guidelines promulgated by the Arkansas
20 Higher Education Coordinating Board, the board of directors of an institution
21 of higher education shall adopt a written policy regarding the distribution
22 to students of information regarding a terrorism offender.

23 (f) This section does not prevent a law enforcement officer from
24 notifying members of the public about a person who may pose a danger to the
25 public for a reason that is not enumerated in this subchapter.

26 (g) The medical records or treatment evaluations of a terrorism
27 offender are not subject to disclosure under the Freedom of Information Act
28 of 1967, § 25-19-101 et seq.

29
30 12-12-2012. Notice of release.

31 (a) The Division of Correction shall provide notice by written or
32 electronic means to the Arkansas Crime Information Center of the anticipated
33 release from incarceration in a county or state penal institution of a person
34 -serving a sentence for a terrorism offense.

1 (b)(1)(A) If available, the notice required in subsection (a) of this
2 section shall be provided to the center ninety (90) days before the
3 offender's anticipated release.

4 (B) However, a good faith effort shall be made to provide
5 the notice at least thirty (30) days before release.

6 (2) The notice shall include the person's name, identifying
7 factors, offense history, and anticipated future residence.

8 (c) Upon receipt of notice, the center shall provide notice by written
9 or electronic means to:

10 (1) The local law enforcement agency having jurisdiction; and

11 (2) Other state and local law enforcement agencies as
12 appropriate for public safety.

13
14 12-12-2013. Authority – Rules.

15 The Division of Correction, the Division of Community Correction, the
16 Department of Human Services, the Administrative Office of the Courts, and
17 the Arkansas Crime Information Center shall promulgate rules to establish
18 procedures for:

19 (1) Notifying the terrorism offender of the obligation to
20 register under this subchapter; and

21 (2) Registering the terrorism offender.

22
23 12-12-2014. Publication and notice of obligation to register.

24 The Office of Driver Services of the Department of Finance and
25 Administration shall provide notice of the obligation to register under this
26 subchapter in connection with each driver's license issued under § 27-16-801
27 and each identification card issued under § 27-16-805.

28
29 12-12-2015. Termination of obligation to register.

30 (a) A terrorism offender required to register under this subchapter
31 may apply for an order terminating the obligation to register to the
32 sentencing court fifteen (15) years after the date the terrorism offender
33 first registered in Arkansas.

34 (b) If the terrorism offender was incarcerated in a correctional
35 facility, the date the terrorism offender first registered in Arkansas is the

1 date the terrorism offender registered upon his or her release from the
2 correctional facility.

3 (c) After fifteen (15) years of having been registered as a terrorism
4 offender in Arkansas, an offender sentenced in another state but permanently
5 residing in Arkansas may apply for an order terminating the obligation to
6 register in the circuit court of the county in which the terrorism offender
7 resides or has last resided within this state.

8 (d)(1) The court shall hold a hearing on the application at which the
9 applicant and any interested persons may present witnesses and other
10 evidence.

11 (2) No less than twenty (20) days before the date of the hearing
12 on the application, a copy of the application for termination of the
13 obligation to register shall be served on:

14 (A)(i) The prosecutor of the county in which the
15 adjudication of guilt triggering registration was obtained if the terrorism
16 offender was convicted in this state; or

17 (ii) The prosecutor of the county where a terrorism
18 offender resides if the terrorism offender was convicted in another state;
19 and

20 (B) The Arkansas Crime Information Center and the
21 Community Notification Assessment.

22 (3) If the terrorism offender has not been assessed in the five
23 (5) years before making a request to terminate the obligation to register
24 under this section, the prosecuting attorney may request a reassessment and
25 an order terminating the obligation to register shall not be granted without
26 a reassessment.

27 (4) The court shall grant an order terminating the obligation to
28 register upon proof by a preponderance of the evidence that:

29 (A) The applicant, for a period of fifteen (15) years
30 after the applicant was released from prison or other institution or placed
31 on parole, supervised release, or probation has not been adjudicated guilty
32 of a terrorism offense; and

33 (B) The applicant is not likely to pose a threat to the
34 safety of others.

35 (5) The court shall grant an order under this subdivision (d)(5)
36 terminating the obligation to register upon proof by a preponderance of the

1 evidence that the facts underlying the offense for which the terrorism
2 offender is required to register no longer support a requirement to register.

3 (6) If a court denies a petition to terminate the obligation to
4 register under this section, the terrorism offender may not file a new
5 petition to terminate the obligation to register under this section before
6 three (3) years from the date the order denying the previous petition was
7 filed.

8 (e) The center shall remove a terrorism offender from the registry
9 upon receipt by the center of adequate proof that the terrorism offender has
10 died.

11
12 12-12-2016. Immunity from civil liability.

13 (a) Public officials, public employees, and public agencies are immune
14 from civil liability for good faith conduct under this subchapter.

15 (b) This subchapter does not impose any liability upon or give rise to
16 a cause of action against any public official, public employee, or public
17 agency for any discretionary decision to release relevant and necessary
18 information, unless it is shown that the public official, public employee, or
19 public agency acted with gross negligence or in bad faith.

20 (c) The provisions of this section shall also apply to persons or
21 organizations assisting a public official, public employee, or public agency
22 in performing official duties upon a written request to assist them by the
23 public official, public employee, or public agency.

24
25 12-12-2017. Disclosure and notification concerning out-of-state
26 terrorism offenders moving into Arkansas.

27 (a) A local law enforcement agency having jurisdiction where an out-
28 of-state terrorism offender is moving or has moved may make immediate
29 disclosure of the terrorism offender's registration in another state before
30 the completion of a terrorism offender assessment assigning a community
31 notification risk level.

32 (b) A local law enforcement agency having jurisdiction where an out-
33 of-state individual is moving or has moved who has been convicted of an
34 offense that would require registration as a terrorism offender in Arkansas
35 may make immediate notification appropriate for public safety before the

1 completion of a terrorism offender assessment assigning a community
2 notification risk level.

3
4 12-12-2018. Travel outside of the United States.

5 (a) A terrorism offender who is required to register under this
6 subchapter must report in person at least twenty-one (21) days before
7 traveling outside of the United States to the local law enforcement agency
8 having jurisdiction that he or she intends to travel outside of the United
9 States.

10 (b) The terrorism offender making the report in person under this
11 section must also report in person to the local law enforcement agency having
12 jurisdiction:

13 (1) The dates of travel; and

14 (2) The foreign country, colony, territory, or possessions that
15 the terrorism offender will visit.

16 (c) A local law enforcement agency having jurisdiction receiving a
17 report under this section shall immediately report the information to the
18 Arkansas Crime Information Center.

19
20 12-12-2019. Release of motor vehicle records by the Department of
21 Finance and Administration.

22 (a) The Department of Finance and Administration may release to a law
23 enforcement officer or agency information contained in a person's motor
24 vehicle record if:

25 (1) The information is required for the law enforcement officer
26 or agency to comply with this subchapter; and

27 (2) The use of the information by the law enforcement officer or
28 agency is related to public safety.

29 (b) A law enforcement officer or agency that obtains a record from the
30 department as provided in subsection (a) of this section may publicly
31 disclose information contained in a person's motor vehicle record if the
32 disclosure of the information is:

33 (1) Required by this subchapter; and

34 (2) Related to public safety.

1 (c) This section does not authorize a law enforcement officer or
2 agency to publicly disclose the following information obtained from a motor
3 vehicle record:

4 (1) A person's Social Security number; or

5 (2) A person's medical or disability information.

6
7 12-12-2020. Registered offender prohibited from holding position of
8 public trust – Definition.

9 (a) As used in this section, "position of public trust" means a
10 position that:

11 (1) Is in a public agency that provides public safety services,
12 including without limitation a fire department, law enforcement agency, or
13 emergency medical services agency; and

14 (2) As part of the ordinary course of the duties of the
15 position, requires a person holding the position to have direct physical
16 contact with or come within the immediate vicinity of a member of the public
17 outside of the building in which the public agency is located.

18 (b) A terrorism offender who is required to register under this
19 subchapter may not hold a position of public trust.

20
21
22 Referred requested by the Arkansas House of Representatives

23 Prepared by: MBM/KFW