

Stricken language would be deleted from present law. Underlined language would be added to present law.

1 State of Arkansas
2 81st General Assembly
3 Regular Session, 1997
4

As Engrossed: H3/10/97 S3/27/97

A Bill

ACT 1188 OF 1997
HOUSE BILL 1350

5 By: Representatives Ferrell, Jones, Northcutt, Schexnayder, Wilkins, Ingram, Bennett, Madison, and Sheppard
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For An Act To Be Entitled

9 "AN ACT TO PROHIBIT PERSONS EITHER PLEADING GUILTY OR
10 FOUND GUILTY OF SEXUAL OFFENSES PERPETRATED AGAINST MINORS
11 FROM RESIDING WITH A MINOR UPON PROBATION OR PAROLE; AND
12 FOR OTHER PURPOSES."
13

Subtitle

15 "TO PROHIBIT PERSONS EITHER PLEADING
16 GUILTY OR FOUND GUILTY OF SEXUAL
17 OFFENSES PERPETRATED AGAINST MINORS FROM
18 RESIDING WITH A MINOR UPON PROBATION OR
19 PAROLE"
20

21 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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23 SECTION 1. (a) Whenever an accused who enters a plea of guilty or nolo
24 contendere prior to an adjudication of guilt for any sexual offense defined in
25 Title 5, Chapter 14 of the Arkansas Code of 1987 Annotated or incest as
26 defined by Arkansas Code Annotated § 5-26-202 and the sexual offense or incest
27 was perpetrated against a minor, is eligible for probation under procedures
28 defined in § 16-93-303 or any other provision of law, the court shall
29 prohibit, as a condition of granting probation, the accused, upon release,
30 from residing in a residence with any minor, unless the court makes a specific
31 finding that the accused poses no danger to the minors residing in the
32 residence.

33 (b) Upon violation of this condition of probation, the court may enter
34 an adjudication of guilt and proceed as otherwise provided by law.
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36 SECTION 2. (a) Whenever an inmate in a facility of the Department of

1 Correction, who has pled guilty, nolo contendere, or has been found guilty of
2 any sexual offense defined in Title 5, Chapter 14 of the Arkansas Code of 1987
3 Annotated or incest as defined by Arkansas Code Annotated § 5-26-202 and the
4 sexual offense or incest was perpetrated against a minor, becomes eligible for
5 parole and makes application for release on parole, the State Board of Parole
6 and Community Rehabilitation shall prohibit, as a condition of granting the
7 parole, the parolee, upon parole, from residing in a residence with any minor,
8 unless the State Board of Parole and Community Rehabilitation makes a specific
9 finding that the inmate poses no danger to the minors residing in the
10 residence.

11 (b) If the State Board of Parole and Community Rehabilitation, upon
12 hearing pursuant to § 16-93-705, finds, by a preponderance of the evidence,
13 that the parolee has failed to comply with this condition of parole, the
14 parole may be revoked and the parolee returned to the custody of the
15 Department of Correction.

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17 SECTION 3. All provisions of this act of a general and permanent nature
18 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code
19 Revision Commission shall incorporate the same in the Code.

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21 SECTION 4. If any provision of this act or the application thereof to
22 any person or circumstance is held invalid, such invalidity shall not affect
23 other provisions or applications of the act which can be given effect without
24 the invalid provision or application, and to this end the provisions of this
25 act are declared to be severable.

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27 SECTION 5. All laws and parts of laws in conflict with this act are
28 hereby repealed.

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30 SECTION 6. EMERGENCY. It is found and determined by the General
31 Assembly of the State of Arkansas that the physical and psychological health
32 of our children is one of our most compelling interests. Furthermore, taking
33 responsible measures to protect our children from persons who have sexually
34 victimized them will significantly decrease the possibility of recurrences.
35 Therefore an emergency is declared to exist and this act being immediately
36 necessary for the preservation of the public peace, health and safety shall

1 become effective on the date of its approval by the Governor. If the bill is
2 neither approved nor vetoed by the Governor, it shall become effective on the
3 expiration of the period of time during which the Governor may veto the bill.
4 If the bill is vetoed by the Governor and the veto is overridden, it shall
5 become effective on the date the last house overrides the veto.

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/s/Rep. Ferrell et al

APPROVED:4-08-97