

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 By: Representative Ferrell

As Engrossed: H1/29/97 H1/31/97 H2/26/97

## A Bill

ACT 626 OF 1997  
HOUSE BILL 1310

### For An Act To Be Entitled

"AN ACT TO REQUIRE PUBLIC HEARINGS PRIOR TO LOCATING OR  
CONSTRUCTING ANY COMMUNITY-BASED RESIDENTIAL FACILITY FOR  
PERSONS ADJUDICATED OR CONVICTED OF SEXUAL OFFENSES OR  
OFFENSE THAT CONSTITUTES A *CLASS C FELONY* OR HIGHER IN ANY  
MUNICIPALITY OR COUNTY; AND FOR OTHER PURPOSES."

### Subtitle

"TO REQUIRE PUBLIC HEARINGS PRIOR TO  
LOCATING OR CONSTRUCTING CERTAIN  
COMMUNITY-BASED RESIDENTIAL FACILITIES"

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

SECTION 1. In order to ensure public notice and safety, from and after the effective date of this act, no state agency, board or commission, nor the governing body of any municipality or county shall approve the location or construction of any community-based residential facility housing persons, juveniles or adults, adjudicated or convicted of any sexual or violent offense or any other offense that would constitute a Class C felony or higher, even if the facility otherwise conforms to applicable zoning ordinances, nor shall any community-based residential facility housing persons, juveniles or adults, adjudicated or convicted of any sexual or violent offense or any other criminal offense that would constitute a Class C felony or higher be located or constructed within any municipality or county of this state unless and until a public hearing is conducted in the municipality or county of the proposed location of the facility at least thirty (30) days prior to the owner, operator or care provider of the proposed facility contracting for the acquisition of any property on which to locate the proposed facility or any existing structure in which to locate the proposed facility. All residents

1 within one thousand (1,000) feet of the proposed location of the facility  
2 shall be notified by mail at least ten (10) days prior to the day of the  
3 hearing.

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5 SECTION 2. All provisions of this act of a general and permanent nature  
6 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code  
7 Revision Commission shall incorporate the same in the Code.

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9 SECTION 3. If any provision of this act or the application thereof to  
10 any person or circumstance is held invalid, such invalidity shall not affect  
11 other provisions or applications of the act which can be given effect without  
12 the invalid provision or application, and to this end the provisions of this  
13 act are declared to be severable.

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15 SECTION 4. All laws and parts of laws in conflict with this act are  
16 hereby repealed.

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18 /s/Ferrell

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20 APPROVED:3-18-97

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