

1 State of Arkansas  
2 84th General Assembly  
3 Second Extraordinary Session, 2003  
4

# A Bill

Call Item 17

HOUSE BILL 1051

5 By: Representative Creekmore  
6 By: Senator J. Bookout  
7  
8

## For An Act To Be Entitled

10 AN ACT TO AMEND VARIOUS SECTIONS OF THE ARKANSAS  
11 CODE CONCERNING THE SEX OFFENDER REGISTRATION ACT  
12 OF 1997; AND FOR OTHER PURPOSES.  
13  
14

## Subtitle

15 TO AMEND VARIOUS SECTIONS OF THE  
16 ARKANSAS CODE CONCERNING THE SEX  
17 OFFENDER REGISTRATION ACT OF 1997.  
18  
19  
20

21 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
22

23 SECTION 1. Arkansas Code § 12-12-903(3), concerning definitions under  
24 the Sex Offender Registration Act of 1997, is amended to read as follows:

25 (3) "Aggravated sex offense" means an offense in the Arkansas  
26 Code substantially equivalent to "aggravated sexual abuse" as defined in 18  
27 U.S.C. § 2241 as it existed on ~~January 1, 2001~~ March 1, 2003, which  
28 principally encompasses:

29 (A) ~~Engaging in sexual acts involving penetration with~~  
30 ~~victims of any age through the use of force or the threat of serious~~  
31 ~~violence; or~~ Causing another person to engage in a sexual act:

32 (i) By using force against that other person; or  
33 (ii) By threatening or placing, or attempting to  
34 threaten or place, that other person in fear that any person will be  
35 subjected to death, serious bodily injury, or kidnapping;

36 (B) ~~Engaging in sexual acts involving the penetration of~~



1 ~~victims below the age of twelve (12);~~ Knowingly:

2 (i) Rendering another person unconscious and then  
3 engaging in a sexual act with that other person; or

4 (ii) Administering to another person by force or  
5 threat of force, or without the knowledge or permission of that person, a  
6 drug, intoxicant, or similar substance and thereby:

7 (a) Substantially impairing the ability of  
8 that other person to appraise or control conduct; and

9 (b) Engaging or attempting to engage in a  
10 sexual act with that other person; or

11 (C) Crossing a state line with intent to:

12 (i) Engage or attempt to engage in a sexual act with  
13 a person who has not attained the age of twelve (12) years;

14 (ii) Knowingly engage or attempt to engage in a  
15 sexual act with another person who has not attained the age of twelve (12)  
16 years; or

17 (iii) Knowingly engage or attempt to engage in a  
18 sexual act under the circumstances described in subdivisions (3)(A) and  
19 (3)(B) of this section with another person who has attained the age of twelve  
20 (12) years but has not attained the age of sixteen (16) years and is at least  
21 four (4) years younger than the alleged offender;

22  
23 SECTION 2. Arkansas Code § 12-12-903(6), concerning definitions under  
24 the Sex Offender Registration Act of 1997, is amended to read as follows:

25 (6) "Local law enforcement agency having jurisdiction" means  
26 the:

27 (A) Chief law enforcement officer of the municipality in  
28 which an offender:

29 (i) ~~resides~~ Resides or expects to reside;

30 (ii) Is employed; or

31 (iii) Is attending an institution of training or  
32 education; or

33 (B) County sheriff, if the municipality does not have a  
34 chief law enforcement officer or if an offender resides, is employed, is  
35 attending an institution of training or education, or expects to reside in an  
36 unincorporated area of a county;

1  
 2 SECTION 3. Arkansas Code § 12-12-903(12) through (17), concerning  
 3 definitions under the Sex Offender Registration Act of 1997, is amended to  
 4 read as follows:

5 (12)(A) "Sex offense" for the purposes of this subchapter  
 6 includes, but is not limited to:

- 7 (i)(a) Rape, § 5-14-103;
- 8 (b) Sexual indecency with a child, § 5-14-110;
- 9 (c) Sexual assault in the first degree, § 5-  
 10 14-124;
- 11 (d) Sexual assault in the second degree, § 5-  
 12 14-125;
- 13 (e) Sexual assault in the third degree, § 5-  
 14 14-126;
- 15 (f) Sexual assault in the fourth degree, § 5-  
 16 14-127;
- 17 (g) Incest, § 5-26-202;
- 18 (h) Engaging children in sexually explicit  
 19 conduct for use in visual or print medium, § 5-27-303;
- 20 (i) Transportation of minors for prohibited  
 21 sexual conduct, § 5-27-305;
- 22 (j) Employing or consenting to use of a child  
 23 in sexual performance, § 5-27-402;
- 24 (k) Pandering or possessing visual or print  
 25 medium depicting sexually explicit conduct involving a child, § 5-27-304;
- 26 (l) Producing, directing, or promoting sexual  
 27 performance, § 5-27-403;
- 28 (m) Promoting prostitution in the first  
 29 degree, § 5-70-104;
- 30 (n) Stalking, when ordered by the sentencing  
 31 court to register as a sex offender, § 5-71-229;
- 32 (o) Indecent exposure ~~to a person under the~~  
 33 ~~age of twelve (12) years~~, § 5-14-112 (b) if a felony level offense;
- 34 (p) Exposing another person to human  
 35 immunodeficiency virus, when ordered by the sentencing court to register as a  
 36 sex offender, § 5-14-123;

1 (q) Kidnapping pursuant to § 5-11-102(a) when  
 2 the victim is a minor and the offender is not the parent of the victim;

3 (r) False imprisonment in the first degree and  
 4 false imprisonment in the second degree, §§ 5-11-103 and 5-11-104, when the  
 5 victim is a minor and the offender is not the parent of the victim;

6 (s) Permitting abuse of a child pursuant to §  
 7 5-27-221;

8 (t) Computer child pornography; § 5-27-603;  
 9 and

10 (u) Computer exploitation of a child in the  
 11 first degree, § 5-27-605(a);

12 (v) Permanent detention or restraint when the  
 13 offender is not the parent of the victim, § 5-11-106;

14 (w) Distributing, possessing, or viewing  
 15 matter depicting sexually explicit conduct involving a child, § 5-27-602;

16 (x) Distributing, possessing, or viewing  
 17 matter depicting sexually explicit conduct involving a child, § 5-27-602;

18 (y) Computer child pornography, § 5-27-603;  
 19 and

20 (z) Computer exploitation of a child, § 5-27-  
 21 605;

22 (ii) An attempt, solicitation, or conspiracy to  
 23 commit any of the offenses enumerated in subdivision (12)(A)(i) of this  
 24 section; and

25 (iii) An adjudication of guilt for an offense of the  
 26 law of another state, for a federal offense, for a tribal court offense, or  
 27 for a military offense:

28 (a) Which is similar to any of the offenses  
 29 enumerated in subdivision (12)(A)(i) of this section;

30 (b) When that adjudication of guilt requires  
 31 registration under another state's sex offender registration laws; or

32 (c) A violation of any former law of this  
 33 state that is substantially equivalent to any of the offenses enumerated in  
 34 subdivision (12)(A) of this section.

35 (B)(i) The sentencing court has the authority to order the  
 36 registration of any offender shown in court to have attempted to commit or to

1 have committed a sex offense, even though the offense is not enumerated in  
 2 subdivision (12)(A)(i) of this section.

3 (ii) This authority ~~is limited~~ applies to sex  
 4 offenses enacted, renamed, or amended at a later date by the General Assembly  
 5 unless the General Assembly expresses its intent not to consider the offense  
 6 to be a true sex offense for the purposes of this subchapter;

7 (13)(A) "Sex offender" means a person who is adjudicated guilty  
 8 ~~adjudicated delinquent and ordered to register by the juvenile court judge~~ or  
 9 acquitted on the grounds of mental disease or defect of a sex offense.

10 (B) Unless otherwise specified, "sex offender" includes  
 11 those individuals classified by the court as "sexually violent predators";

12 ~~(14) "Sex Offenders Assessment Committee" means a group of~~  
 13 ~~citizens appointed by the Governor with a specific composition in conformance~~  
 14 ~~with 42 U.S.C. § 14071(a)(2)(A), as it existed on January 1, 2001;~~

15 ~~(15) "Sex Offender Screening and Risk Assessment" means the~~  
 16 ~~individuals or agencies qualified by the Sex Offenders Assessment Committee~~  
 17 ~~to perform assessments of sex offenders;~~

18 ~~(16)(14)~~ (14) "Sexually violent offense" means any state, federal,  
 19 tribal, or military offense which includes a sexual act as defined in 18  
 20 U.S.C. §§ 2241 and 2242, as they existed on ~~January 1, 2001~~ March 1, 2003,  
 21 with another person if the offense is nonconsensual regardless of the age of  
 22 the victim; and

23 ~~(17)(15)~~ (15) "Sexually violent predator" means a person who has been  
 24 adjudicated guilty, ~~adjudicated delinquent and ordered to register by the~~  
 25 ~~juvenile court judge~~, or acquitted on the grounds of mental disease or defect  
 26 of a sexually violent offense and who suffers from a mental abnormality or  
 27 personality disorder that makes the person likely to engage in predatory  
 28 sexually violent offenses.

29  
 30 SECTION 4. Arkansas Code § 12-12-906 is amended to read as follows:

31 12-12-906. Duty to register generally - Review of requirements with  
 32 offenders.

33 (a)(1)(A) At the time of adjudication of guilt, the sentencing court  
 34 shall enter on the judgment and commitment or judgment and disposition form  
 35 whether or not the offender is required to register as a sex offender and  
 36 shall indicate whether the offense is an aggravated sexual offense under §

1 12-12-903.

2 (B) The Department of Correction shall ensure that  
 3 offenders received for incarceration complete the registration form prepared  
 4 by the Director of the Arkansas Crime Information Center pursuant to § 12-12-  
 5 908.

6 (C) The Department of Community Correction shall ensure  
 7 that offenders placed on probation or another form of community supervision  
 8 complete the registration form.

9 (D) The Arkansas State Hospital shall ensure that the  
 10 registration form is completed for any offender found not guilty by reason of  
 11 insanity and shall arrange an evaluation by Sex Offender Screening and Risk  
 12 Assessment.

13 (2)(A) A sex offender moving to or returning to this state from  
 14 another jurisdiction shall register with the local law enforcement agency  
 15 having jurisdiction ~~no later than thirty (30) days after August 1, 1997, or~~  
 16 within thirty (30) days after the offender establishes residency in a  
 17 municipality or county of this state, ~~whichever is later.~~

18 (B)(i) All persons living in this state who would be  
 19 required to register as sex offenders in the jurisdiction in which they were  
 20 adjudicated guilty of a sex offense are required to register as sex offenders  
 21 in this state whether living, working, or attending school or other training  
 22 in Arkansas.

23 (ii) Nonresident workers or students who enter the  
 24 state for fourteen (14) or more consecutive days to work or study or who  
 25 enter the state for an aggregate of thirty (30) days or more a year are  
 26 required to register in compliance with 64 Fed. Reg. 585 2nd, as it existed  
 27 on March 1, 2003.

28 (C) A sex offender sentenced and required to register  
 29 outside of Arkansas, ~~whether as an adult or a juvenile,~~ must submit to  
 30 reassessment by Sex Offender Screening and Risk Assessment, provide a  
 31 deoxyribonucleic acid (DNA) sample if a sample is not already accessible to  
 32 the Arkansas State Crime Laboratory and pay the mandatory fee of two hundred  
 33 fifty dollars (\$250) to the DNA Detection Fund established by § 12-12-1119.

34 (b)(1) The registration file of a sex offender who is confined in ~~an~~  
 35 ~~adult or juvenile~~ a correctional facility or serving a commitment following  
 36 acquittal on the grounds of mental disease or defect shall be inactive until

1 the registration file is updated by the ~~Department of Correction or the~~  
 2 ~~Department of Human Services, whichever is~~ department responsible for  
 3 supervision.

4 (2) Immediately prior to the release of a sex offender or  
 5 immediately following a sex offender's escape or his or her absconding  
 6 supervision, the Department of Correction, the Department of Community  
 7 Correction, or the Department of Human Services shall update the registration  
 8 file of the sex offender who is to be released or who has escaped or has  
 9 absconded supervision.

10 (c)(1)(A) When registering a sex offender as provided in subsection  
 11 (a) of this section, the Department of Correction, the Department of  
 12 Community Correction, the Department of Human Services, or the local law  
 13 enforcement agency having jurisdiction shall:

14 (i) Inform the sex offender of the duty to submit to  
 15 assessment and to register and obtain the information required for  
 16 registration as described in § 12-12-908;

17 (ii) Inform the offender that if the offender  
 18 changes residency, the offender shall give the new address and place of  
 19 employment, education, or training to the Arkansas Crime Information Center  
 20 in writing no later than ten (10) days before the offender establishes  
 21 residency or is temporarily domiciled at the new address;

22 (iii)(a) Inform the offender that if the offender  
 23 changes residency to another state or enters another state for fourteen (14)  
 24 consecutive days or more or for an aggregate of thirty (30) days or more a  
 25 year, the offender must also register in that state regardless of permanent  
 26 residency.

27 (b) The offender shall register the new  
 28 address and place of employment, education, or training with the Arkansas  
 29 Crime Information Center and with a designated law enforcement agency in the  
 30 new state not later than ten (10) days before the offender establishes  
 31 residence or is temporarily domiciled in the new state;

32 (iv)(a) Obtain fingerprints and a photograph of the  
 33 offender if these have not already been obtained in connection with the  
 34 offense that triggered registration.

35 (b) Obtain a deoxyribonucleic acid (DNA)  
 36 sample if one has not already been provided;

1 (v) Require the offender to complete the entire  
 2 registration process, including, but not limited to, requiring the offender  
 3 to read and sign a form stating that the duty of the person to register under  
 4 this subchapter has been explained;

5 (vi) Inform the offender that if the offender's  
 6 address changes due to an eviction, natural disaster, or any other unforeseen  
 7 circumstance, the offender shall give the new address to the Arkansas Crime  
 8 Information Center in writing no later than five (5) business days after the  
 9 offender establishes residency; and

10 (vii) Inform an offender who has been granted  
 11 probation that failure to comply with the provisions of this subchapter ~~shall~~  
 12 may be grounds for revocation of the offender's probation.

13 (B)(i) Any offender required to register as a sex offender  
 14 must provide a deoxyribonucleic acid (DNA) sample, i.e., a blood sample or  
 15 saliva sample, upon registering if a sample has not already been provided to  
 16 the Arkansas State Crime Laboratory.

17 (ii) Any offender required to register as a sex  
 18 offender who is entering the State of Arkansas must provide a  
 19 deoxyribonucleic acid (DNA) sample, i.e., a blood sample or saliva sample,  
 20 upon registration and must pay the mandatory fee of two hundred fifty dollars  
 21 (\$250) to the DNA Detection Fund established by § 12-12-1119.

22 (2) When updating the registration file of an offender, the  
 23 Department of Correction or the Department of Human Services shall:

24 (A) Review with the offender the duty to register and  
 25 obtain current information required for registration as described in § 12-12-  
 26 908;

27 (B) Review with the offender the requirement that if the  
 28 offender changes address, the offender shall give the new address to the  
 29 center in writing no later than ten (10) days before the offender establishes  
 30 residency or is temporarily domiciled at the new address;

31 (C) Review with the offender the requirement that if the  
 32 offender changes address to another state, the offender shall register the  
 33 new address with the center and with a designated law enforcement agency in  
 34 the new state not later than ten (10) days before the offender establishes  
 35 residence or is temporarily domiciled in the new state if the new state has a  
 36 registration requirement;

1 (D) Require the offender to read and sign a form stating  
 2 that the duty of the person to register under this subchapter has been  
 3 reviewed; and

4 (E) Inform the offender that if the offender's address  
 5 changes due to an eviction, natural disaster, or any other unforeseen  
 6 circumstance, the offender shall give the new address to the center in  
 7 writing no later than five (5) business days after the offender establishes  
 8 residency.

9 (d) When registering or updating the registration file of a sexually  
 10 violent predator, the Department of Correction, the Department of Community  
 11 Correction, the Department of Human Services, or the local law enforcement  
 12 agency having jurisdiction, in addition to the requirements of subdivision  
 13 (c)(1) or (2) of this section, shall obtain documentation of any treatment  
 14 received for the mental abnormality or personality disorder of the sexually  
 15 violent predator.

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

20 ~~(e)~~(f)(1) An offender required to register pursuant to the provisions  
 21 of this subchapter shall not change his or her name unless the change is:

22 (A) Incident to a change in the marital status of the  
 23 offender; or

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

26 (2) The change in the offender's name shall be reported to the  
 27 Director of the center within thirty (30) calendar days after the official  
 28 change in name.

29 (3) A violation of this subsection shall constitute a Class D  
 30 felony.

31  
 32 SECTION 5. Arkansas Code § 12-12-911(b), concerning the Sex and Child  
 33 Offenders Registration Fund, is amended to read as follows:

34 (b) This fund shall consist of special revenues collected pursuant to  
 35 § 12-12-910, there to be used equally by the Arkansas Crime Information  
 36 Center and the Department of Correction for the administration of this

1 subchapter.

2

3 SECTION 6. Arkansas Code § 12-12-913(g) through (j), concerning  
 4 disclosure of sex offender information, is amended to read as follows:

5 (g)(1) The State Board of Education, Arkansas Higher Education  
 6 Coordinating Board, and the State Board of Workforce Education and Career  
 7 Opportunities shall promulgate guidelines for the disclosure to students and  
 8 parents of information regarding an offender when such information is  
 9 released to a local school district or institution of higher education or  
 10 vocational training by a local law enforcement agency having jurisdiction.

11 (2) The board of directors of a local school district or  
 12 institution of higher education or vocational training shall adopt a written  
 13 policy, in accordance with guidelines promulgated by the State Board of  
 14 Education, regarding the distribution to students and parents of information  
 15 regarding an offender.

16 (h) Nothing in this section shall ~~be construed to prevent law~~  
 17 ~~enforcement officers from notifying members of the public exposed to danger~~  
 18 ~~of any persons that~~ about persons who may pose a danger to the public under  
 19 ~~circumstances~~ that are not enumerated in this subchapter.

20 ~~(i) Nothing in this subchapter shall be interpreted to make~~ The  
 21 ~~medical records or treatment evaluations of the~~ a sex offender or sexually  
 22 violent predator are not subject to disclosure under the Freedom of  
 23 Information Act of 1967, § 25-19-101 et seq.

24 (j)(1)(A) The following information concerning a registered sex  
 25 offender who is classified as a level three (3) or level four (4) offender by  
 26 the Sex Offender Screening and Risk Assessment shall be made public:

27 (i) The offender's complete name, as well as any  
 28 aliases:

29 (ii) The offender's date of birth;

30 (iii) The sexual offense or offenses to which the  
 31 offender has pleaded guilty or nolo contendere or has been found guilty of by  
 32 a court of competent jurisdiction;

33 (iv) The street name and block number, county, city,  
 34 and zip code in which the offender resides;

35 (v) The offender's race and gender;

36 (vi) The date of the last address verification of

1 the offender provided to the center;

2 (vii) The most recent photograph of the offender  
3 that has been submitted to the center; and

4 (viii) The offender's parole or probation office.

5 (B) The center shall prepare and place the information in  
6 subdivision (j)(1)(A) of this section on the Internet home page of the State  
7 of Arkansas before January 1, 2004.

8 (2) The center may promulgate any rules necessary to implement  
9 and administer this subsection.

10 (k) Nothing in this subchapter shall be interpreted to prohibit the  
11 posting of offender fact sheets on the Internet or by other appropriate means  
12 of those offenders who:

13 (1) Are determined to be high risk or a sexually violent  
14 predator, Risk Levels 3 and 4; or

15 (2) Are determined to be in noncompliance with the requirements  
16 of registration under rules and regulations promulgated by the committee.

17  
18 SECTION 7. Arkansas Code § 12-12-915 is amended to read as follows:  
19 12-12-915. Regulations.

20 ~~(a) The Arkansas Crime Information Center shall promulgate regulations~~  
21 ~~necessary to administer this subchapter.~~

22 ~~(b)~~ The Department of Correction, the Department of Community  
23 Correction, the Department of Human Services, ~~and~~ the Administrative Office  
24 of the Courts, and the Arkansas Crime Information Center shall promulgate  
25 regulations to establish procedures for notifying offenders of the obligation  
26 to register pursuant to this subchapter and procedures for registration of  
27 those offenders.

28  
29 SECTION 8. Arkansas Code § 12-12-917 is amended to read as follows:  
30 12-12-917. Evaluation protocol - ~~Sexually violent predators—~~

31 ~~Juveniles adjudicated delinquent—~~ Examiners.

32 (a)(1) The Sex Offenders Assessment Committee shall develop an  
33 evaluation protocol for preparing reports to assist courts in making  
34 determinations whether or not a person adjudicated guilty of a sex offense  
35 should be considered a sexually violent predator for purposes of this  
36 subchapter.

1           (2) The committee shall also establish qualifications for and  
2 qualify examiners to prepare reports in accordance with the evaluation  
3 protocol.

4           ~~(b)(1) The committee shall develop an evaluation protocol for~~  
5 ~~preparing reports to assist the juvenile division of circuit court in making~~  
6 ~~determinations whether or not a juvenile adjudicated delinquent of a sex~~  
7 ~~offense should be registered under the provisions of this subchapter.~~

8           ~~(2) The committee shall also establish qualifications for~~  
9 ~~examiners and qualify examiners to prepare reports in accordance with the~~  
10 ~~evaluation protocol.~~

11           (b)(1) The committee shall cause an assessment to be conducted on a  
12 case-by-case basis of the public risk posed by a sex offender or sexually  
13 violent predator who is required to register under § 12-12-905:

14                   (A) After August 1, 1997; and

15                   (B) For whom the center has no record of an assessment  
16 being done and a risk level established subsequent to August 1, 1997.

17           (2)(A) Adult offenders sentenced to the Department of Correction  
18 shall be assessed as the necessary information becomes available after  
19 reception into the Department of Correction, with the assessment being  
20 reviewed and updated as necessary during incarceration.

21                   (B) Sex offenders sentenced to life, life without parole,  
22 or death shall be assessed only if being considered for release through  
23 clemency.

24           (3) The sentencing court shall require adult offenders  
25 adjudicated guilty but given suspended imposition of sentences or probation  
26 to contact Sex Offender Screening and Risk Assessment at the Arkansas  
27 Department of Correction in Pine Bluff within ten (10) days of adjudication  
28 to schedule an assessment to be conducted at a location determined by the  
29 Department of Correction in consultation with the sentencing court.

30           (4)(A) Sex offenders currently in the community who have not  
31 been assessed and classified shall be identified by the Arkansas Crime  
32 Information Center.

33                   (B)(i) The Department of Community Correction shall  
34 notify, by certified mail or personal service, offenders under its  
35 supervision in a particular area to present themselves at a designated  
36 location for assessment.

1                   (ii)(a) If an offender fails to appear or is shown  
 2 by substantial evidence to have been deceptive, or voluntarily terminates the  
 3 assessment process after having been advised of the potential consequences:

4                               (1) The offender shall be classified in  
 5 risk level 3; and

6                               (2) The parole or probation officer, if  
 7 applicable, shall be notified.

8                               (b) Statements made by an offender in the  
 9 course of assessment with respect to prior conduct shall be deemed to have  
 10 been given use immunity under the immunity provisions of Arkansas Code §§ 16-  
 11 43-601 through 16-43-606.

12                               (c) Assessment personnel shall report ongoing  
 13 abuse as required under § 12-12-507.

14                   (c)(1) Public agencies shall, to the extent permissible and under the  
 15 procedures established by state and federal regulations, provide the  
 16 committee access to all relevant records and information in the possession of  
 17 public agencies or any private entity contracting with a public agency  
 18 relating to the sex offender or sexually violent predator under review.

19                               (2) The records and information include, but are not limited to:

20                                       (A) Police reports;

21                                       (B) Statements of probable cause;

22                                       (C) Presentence investigations and reports;

23                                       (D) Complete judgments and sentences;

24                                       (E) Current classification referrals;

25                                       (F) Criminal history summaries;

26                                       (G) Violation and disciplinary reports;

27                                       (H) All psychological evaluations and psychiatric hospital  
 28 reports;

29                                       (I) Sex offender or sexually violent predator treatment  
 30 program reports;

31                                       (J) Juvenile court records;

32                                       (K) Victim impact statements;

33                                       (L) Investigation reports to the child abuse hotline, the  
 34 Division of Children and Family Services, and any entity contracting with the  
 35 Department of Human Services for investigation or treatment of sexual or  
 36 physical abuse or domestic violence; and

1                   (M) Statements of medical providers treating victims of  
 2 sex offenses indicating the extent of injury to the victim.

3           (d)(1)(A) Records and information obtained under this section shall  
 4 not be subject to the Freedom of Information Act of 1967, § 25-19-101 et  
 5 seq., unless otherwise authorized by law.

6                   (2)(A)(i) The sex offender or sexually violent predator shall  
 7 have access to records and information generated and maintained by the  
 8 committee.

9                           (ii) These records shall include any reports of the  
 10 assessment, and the tape of the interview, but do not include restricted  
 11 source documents of commercial psychological tests, or working notes of  
 12 staff.

13                   (B)(i) Records and information generated by other agencies  
 14 and obtained under this section shall not be available to the sex offender or  
 15 sexually violent predator except through the agency or individual having  
 16 primary custody of the records, unless otherwise ordered by a court of  
 17 competent jurisdiction.

18                           (ii) The offender shall be given, upon request, a  
 19 list of the records or information obtained.

20                   (C) If the record or information generated contains the  
 21 addresses of victims or persons who have made statements adverse to the sex  
 22 offender or sexually violent predator, the addresses shall be redacted and  
 23 the sex offender or sexually violent predator shall have access to records  
 24 and information other than the identity and addresses.

25                   (e) In classifying the offender into a risk level for the purposes of  
 26 public notification under § 12-12-913, the committee shall, through its  
 27 staff, review each sex offender or sexually violent predator under its  
 28 authority:

29                           (1) Prior to the offender's release for confinement in a  
 30 correctional facility;

31                           (2) Prior to the release of a person who has been committed  
 32 following an acquittal on the grounds of mental disease or defect;

33                           (3) At the start of an offender's suspended imposition of  
 34 sentence; or

35                           (4) At the start of an offender's probation period.

36                   (f)(1)(A) The committee shall issue the offender fact sheet to the

1 local law enforcement agency having jurisdiction.

2 (B) The offender fact sheet is provided to assist local  
 3 law enforcement in its task of community notification.

4 (2) The committee shall provide the Post Prison Transfer Board  
 5 with copies of the offender fact sheet on inmates of the Department of  
 6 Correction.

7 (3) The committee shall provide the Department of Community  
 8 Correction with copies of the offender fact sheet on any individual under its  
 9 supervision.

10 (4)(A)(i) The offender fact sheet shall be prepared on standard  
 11 forms for ease of transmission and communication.

12 (ii) The offender fact sheet shall also be on an  
 13 Internet-based application accessible to law enforcement, state boards, and  
 14 licensing agencies.

15 (iii) The offender fact sheet of sexually violent  
 16 predators and those offenders found by the center to be in violation of  
 17 registration requirement shall be made available to the general public unless  
 18 the release of the fact sheet, in the opinion of the committee based on a  
 19 risk assessment, places innocent individuals at risk.

20 (B) The standard form shall include, but not be limited  
 21 to:

22 (i) Registration information as required in § 12-12-  
 23 908;

24 (ii) Risk level;

25 (iii) Date of deoxyribonucleic acid (DNA) sample;

26 (iv) Psychological factors likely to affect sexual  
 27 control;

28 (v) Victim age and gender preference;

29 (vi) Treatment history and recommendations; and

30 (vii) Other relevant information deemed necessary by  
 31 the committee or by professional staff performing sex offender assessments.

32 (5)(A) The committee shall ensure that the notice is complete in  
 33 its entirety.

34 (B) Law enforcement officers shall notify the center if an  
 35 offender has moved or is otherwise in violation of registration requirements.

36 (6)(A) All material used in the assessment shall be kept on file

1 in its original form for one (1) year.

2 (B) After one (1) year, the file may be stored  
 3 electronically.

4 (g)(1) The Department of Correction, in cooperation with the  
 5 committee, shall promulgate rules and regulations to establish the review  
 6 process for assessment determinations.

7 (2)(A) The sex offender or sexually violent predator may request  
 8 an administrative review of the assigned risk level under the conditions  
 9 stated and following the procedures indicated under § 12-12-922.

10 (B) The offender shall be notified of these rights and  
 11 procedures in the documentation sent with the notification of risk level.

12 (h)(1)(A) A sex offender or sexually violent predator may request the  
 13 committee to reassess the offender's assigned risk level after five (5) years  
 14 have elapsed since initial risk assessment by the committee, and may renew  
 15 that request once every five (5) years.

16 (B) In the request for reassessment, the offender shall  
 17 list the facts and circumstances that demonstrate that the offender no longer  
 18 poses the same degree of risk to the community.

19 (2) The committee shall also take into consideration any  
 20 subsequent criminal acts by the sex offender or sexually violent predator who  
 21 has requested reassessment.

22  
 23 SECTION 9. Arkansas Code § 12-12-918 is amended to read as follows:

24 12-12-918. Classification as sexually violent predator—~~Requirements.~~

25 (a)(1) In order to classify a person as a sexually violent predator, a  
 26 prosecutor ~~shall~~ may allege on the face of an information that the prosecutor  
 27 is seeking a determination that the defendant is a sexually violent predator.

28 (2)(A) If the defendant is adjudicated guilty, the court shall  
 29 enter an order directing an examiner qualified by the Sex Offenders  
 30 Assessment Committee to issue a report to the sentencing court that  
 31 recommends whether or not the defendant should be classified as a sexually  
 32 violent predator.

33 (B) Copies of the report shall be forwarded immediately to  
 34 the prosecutor and to the defense attorney.

35 (C) The report shall not be admissible for purposes of  
 36 sentencing.

1 (3) After sentencing, the court shall make a determination  
 2 regarding the defendant's status as a sexually violent predator.

3 (b)(1) In order for the examiner qualified by the committee to prepare  
 4 the report:

5 (A) The defendant ~~shall~~ may be sent for evaluation to a  
 6 facility designated by the Department of Correction; or

7 (B) ~~Sex Offender Screening and Risk Assessment~~ The  
 8 committee may elect to send an examiner to the local or regional detention  
 9 facility.

10 (2) The cost of the evaluation shall be paid by the ~~department~~  
 11 Department of Correction.

12 (c)(1) Should evidence be found in the course of any assessment  
 13 conducted by ~~Sex Offender Screening and Risk Assessment~~ the committee that a  
 14 sex offender appears to meet the criteria for being classified as a sexually  
 15 violent predator, the committee shall bring this information to the attention  
 16 of the prosecutor, who will determine whether ~~a hearing on the matter is~~  
 17 warranted to file a petition with the court for the offender to be classified  
 18 as a sexually violent predator.

19 (2) The sentencing court shall retain jurisdiction to determine  
 20 whether an offender is a sexually violent predator for one (1) year after  
 21 sentencing or for so long as the offender remains incarcerated for the sex  
 22 offense.

23 (d)(1) The ~~prosecutor's affidavit~~ judgment and commitment order should  
 24 state whether or not the offense qualifies as an aggravated sex offense.

25 (2) Should this ~~statement be omitted~~ box not be checked on the  
 26 commitment order, the ~~prosecutor~~ court will be contacted by ~~Sex Offender~~  
 27 ~~Screening and Risk Assessment~~ the committee and asked to furnish a written  
 28 determination as to whether or not the offense qualifies as an aggravated sex  
 29 offense.

30  
 31 SECTION 10. Arkansas Code § 12-12-919 is amended to read as follows:  
 32 12-12-919. Termination of obligation to register.

33 (a) Lifetime registration is required for a sex offender found to have  
 34 committed an aggravated sex offense, determined by the court to be a sexually  
 35 violent predator, or found to have been adjudicated guilty of a second or  
 36 subsequent sex offense under a separate case number, not multiple counts on

1 the same charge.

2 (b)(1)(A)(i) Any other sex offender required to register under this  
 3 subchapter may make application for an order terminating the obligation to  
 4 register to the sentencing court fifteen (15) years after release from  
 5 incarceration or other institution, or fifteen (15) years after having been  
 6 placed on probation or any other form of community supervision by the court.

7 (ii) A sex offender sentenced in another state but  
 8 permanently residing in Arkansas may make an application for an order  
 9 terminating the obligation to register to the court of the county in which  
 10 the offender resides.

11 (B)(i) The court shall hold a hearing on the application  
 12 at which the applicant and any interested persons may present witnesses and  
 13 other evidence.

14 (ii) No fewer than twenty (20) days prior to the  
 15 date of the hearing on the application, a copy of the application for  
 16 termination of the obligation to register shall be served on the prosecutor  
 17 of the county in which the adjudication of guilt triggering registration was  
 18 obtained.

19 (2) The court shall grant an order terminating the obligation to  
 20 register upon proof by a preponderance of the evidence that:

21 (A) The applicant, ~~within~~ for a period of fifteen (15)  
 22 years after the person was released from prison or other institution, placed  
 23 on parole, supervised release, or probation has not been adjudicated guilty  
 24 of a sex offense; and

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

27

28 SECTION 11. Arkansas Code Title 12, Chapter 12, Subchapter 9 is  
 29 amended to add an additional section to read as follows:

30 12-12-921. Sex Offender Assessment Committee.

31 (a) The Sex Offender Assessment Committee shall consist of nine (9)  
 32 members as follows:

33 (1) The Governor shall appoint, subject to confirmation by the  
 34 Senate:

35 (A) One (1) member who is a defense attorney;

36 (B) One (1) member who is a prosecuting attorney;

1                   (C) One (1) member who is a licensed mental health  
2 professional and has demonstrated expertise in treatment of sex offenders;

3                   (D) One (1) member who is a victims' rights advocate;

4                   (E) One (1) member who is a law enforcement officer; and

5                   (F) One (1) member with expertise in juvenile justice or  
6 treatment;

7                   (2) The Director of the Department of Correction or the  
8 director's designee;

9                   (3) The Director of the Department of Community Correction or  
10 the director's designee; and

11                   (4) The Director of the Arkansas Crime Information Center or the  
12 director's designee.

13                   (b)(1) Members appointed by the Governor shall be for four-year  
14 staggered terms to be assigned by lot at the first meeting.

15                   (2) If a vacancy of one (1) of the members appointed by the  
16 Governor occurs for any reason other than expiration of a regular term, the  
17 vacancy shall be filled for the unexpired portion of the term by appointment  
18 of the Governor.

19                   (3) A member of the committee appointed by the Governor may be  
20 removed by the Governor for neglect of duty or malfeasance in office.

21                   (4) A member shall be considered active unless his or her  
22 resignation has been submitted or requested by the Governor, or he or she has  
23 more than two (2) unexcused absences from meetings in a twelve-month period  
24 and this fact has been reported to the Governor's office.

25                   (c) The members of the committee shall elect annually a chair and a  
26 vice chair from their membership.

27                   (d) The Director of the Department of Correction or the director's  
28 designee shall serve as the executive secretary.

29                   (e)(1) A majority of the members of the committee shall constitute a  
30 quorum for the transaction of business.

31                   (2) The committee shall meet at least quarterly.

32                   (3) Special meetings may be called by the chair or as provided  
33 by the rules adopted by the committee.

34                   (f) The executive secretary of the committee shall keep full and true  
35 records of all committee proceedings and preserve all books, documents, and  
36 papers relating to the business of the committee.

1           (g) The meetings shall be open to the public except when the committee  
 2 is discussing, deliberating, or voting on individual cases.

3           (h)(1) The Sex Offender Assessment Committee shall report in writing  
 4 to the Governor and to the Legislative Council by July 31 of each year.

5                   (2) The report shall contain:

6                           (A) A summary of the proceedings of the committee during  
 7 the preceding fiscal year;

8                           (B) A detailed and itemized statement of all revenue and  
 9 of all expenditures made by or on behalf of the committee;

10                           (C) Other information deemed necessary or useful; and

11                           (D) Any additional information that may be requested by  
 12 the Governor and the Legislative Council.

13  
 14           SECTION 12. Arkansas Code Title 12, Chapter 12, Subchapter 9 is  
 15 amended to add an additional section to read as follows:

16           12-12-922. Alternative procedure for sexually violent predator  
 17 evaluations.

18           (a)(1) The alternative procedure under this section may be used for  
 19 sexually violent predator evaluations if information emerges in the course of  
 20 a sex offender evaluation that was not available to the court at the time of  
 21 trial.

22                   (2)(A) Examiners qualified by the Sex Offender Assessment  
 23 Committee shall, after the effective date of this section, include in the  
 24 assessment of any sex offender convicted of a sex offense as defined in § 12-  
 25 12-903, a review as to whether the frequency, repetition over time, severity  
 26 of trauma to the victim, or established pattern of predatory behaviors  
 27 suggests that the offender suffers from a mental abnormality or personality  
 28 disorder that makes the offender likely to engage in future predatory sexual  
 29 offenses.

30                           (B) If a mental abnormality or personality disorder is  
 31 suspected, a licensed psychologist or psychiatrist qualified by the committee  
 32 shall conduct further assessment to determine the presence or absence of a  
 33 mental abnormality or personality disorder.

34                           (C) The report of the assessment shall be presented to the  
 35 committee, which shall make that determination according to protocols  
 36 established by that committee and published in the committee guidelines.

1           (b)(1)(A) A sex offender may challenge an assigned risk level by  
2 requesting an administrative review.

3           (B) As part of that request the offender is afforded the  
4 opportunity to receive copies of all documents generated by the examiners, a  
5 listing by document name and source of all documents that may be available  
6 from other agencies having custody of those documents, and a copy of the tape  
7 of the interview.

8           (2) The request for an administrative review shall be made in  
9 accordance with instructions provided on the risk level notification and  
10 within thirty (30) days of receipt of the advisement to the sex offender by  
11 certified mail;

12           (3)(A) The basis of the request for administrative review shall  
13 be clearly stated and any documentary evidence attached.

14           (B) The bases for administrative review shall be that:

15                   (i) The rules and procedures were not properly  
16 followed in reaching a decision on the risk level of the individual;

17                   (ii) Documents or information not available at the  
18 time of assessment have a bearing on the risk that the individual poses to  
19 the community; or

20                   (iii) The assessment is not supported by substantial  
21 evidence.

22           (4)(A) Unless a request for an administrative review is received  
23 by the committee within thirty (30) days of receipt of the advisement by the  
24 sex offender sent by certified mail or personal service, an offender fact  
25 sheet shall be made available to law enforcement so that community  
26 notification may commence.

27           (B) If the offender fails to claim the certified mail in  
28 the time allowed by the U. S. Postal Service, a second certified letter will  
29 be sent, or personal service will be attempted.

30           (C) If the second attempt to notify the sex offender  
31 fails, community notification shall commence.

32           (5) If a request for an administrative review is received by the  
33 committee, law enforcement may make community notification only at the level  
34 immediately below the level upon which review has been requested.

35           (6)(A) A member of the committee shall conduct the review and  
36 respond within thirty (30) days of receiving a request for an administrative

1 review.

2 (B) If additional time is needed to obtain facts, the  
 3 committee shall notify the sex offender requesting the review.

4 (7)(A)(i) The findings of the administrative review shall be  
 5 sent to the sex offender by certified mail.

6 (ii) Upon receipt of the findings, the sex offender  
 7 has thirty (30) days to file a petition under the Arkansas Administrative  
 8 Procedure Act, § 25-15-201 et seq. for judicial review in the Pulaski County  
 9 Circuit Court or in the circuit court of the county in which the sex offender  
 10 resides or does business.

11 (B) The court shall refuse to hear any appeal of an  
 12 assigned risk level by a sex offender unless the court finds that the  
 13 administrative remedies available to the sex offender under this subsection  
 14 (b) have been exhausted.

15 (8)(A)(i) A copy of the petition for judicial review shall be  
 16 served on the executive secretary of the committee in accordance with the  
 17 Arkansas Rules of Civil Procedure.

18 (ii) When the petition for judicial review has been  
 19 served on the executive secretary of the committee, a record of the  
 20 committee's findings, and copies of all records in its possession shall be  
 21 furnished by the committee to the court within thirty (30) days of service.

22 (B) The committee may ask the court to seal statements of  
 23 victims, medical records, and other items that could place third parties at  
 24 risk of harm.

25 (9) A ruling by the court on the petition for judicial review  
 26 shall be considered a final judgment and community notification at the level  
 27 approved in the ruling shall commence.

28 (10) Until a classification decision is finalized, notification  
 29 shall only be made at one (1) level lower than the disputed level.

30  
 31 SECTION 13. Arkansas Code §§ 12-12-1301 through 12-12-1303 are  
 32 repealed.

33 ~~12-12-1301. Committee created.~~

34 ~~(a) There is created the Sex Offenders Assessment Committee, which~~  
 35 ~~shall consist of nine (9) members as follows:~~

36 ~~(1) The Governor shall appoint, subject to confirmation by the Senate:~~

1                   (A) ~~One (1) member who is a defense attorney;~~  
 2                   (B) ~~One (1) member who is a prosecuting attorney;~~  
 3                   (C) ~~Two (2) members who are licensed mental health~~  
 4 ~~professionals, at least one (1) of whom shall have a demonstrated expertise~~  
 5 ~~in the treatment of sex offenders;~~

6                   (D) ~~One (1) member who is a victims' rights advocate; and~~

7                   (E) ~~One (1) member who is a law enforcement officer;~~

8                   (2) ~~The Director of the Department of Correction or the~~  
 9 ~~director's designee;~~

10                  (3) ~~The Director of the Department of Community Correction or~~  
 11 ~~the director's designee; and~~

12                  (4) ~~The Director of the Arkansas Crime Information Center or the~~  
 13 ~~director's designee.~~

14                  (b)(1) ~~Members appointed by the Governor shall be appointed for four-~~  
 15 ~~year staggered terms.~~

16                   (2) ~~The staggered terms will be assigned by lot.~~

17                  (c)(1) ~~In the event of a vacancy of one (1) of the members appointed~~  
 18 ~~by the Governor for any reason other than expiration of a regular term, the~~  
 19 ~~vacancy shall be filled for the unexpired portion of the term by appointment~~  
 20 ~~of the Governor.~~

21                  (2) ~~A member of the committee appointed by the Governor may be~~  
 22 ~~removed by the Governor for neglect of duty or malfeasance in office.~~

23                  (3) ~~A member of the committee appointed by the Governor shall~~  
 24 ~~not be entitled to compensation for his or her service but may receive~~  
 25 ~~expense reimbursement and a stipend not to exceed one hundred ten dollars~~  
 26 ~~(\$110) per meeting, in accordance with § 25-16-902, to be paid by the~~  
 27 ~~Department of Correction.~~

28  
 29                  ~~12-12-1302. Meetings and responsibilities.~~

30                  (a)(1) ~~The members of the Sex Offenders Assessment Committee shall~~  
 31 ~~elect from among their number a chair and a vice chair.~~

32                   (2) ~~Annually, an organizational meeting shall be held to elect~~  
 33 ~~the chair and vice chair.~~

34                   (3) ~~The Director of the Department of Correction or the~~  
 35 ~~director's designee shall serve as the executive secretary.~~

36                   (4) ~~A majority of the members of the committee shall constitute~~

1 ~~a quorum for the transaction of business.~~

2 ~~(5) A member shall be considered active unless his or her~~  
 3 ~~resignation has been submitted or requested by the Governor, or he or she has~~  
 4 ~~more than two (2) unexcused absences from meetings in a twelve-month period~~  
 5 ~~and this fact has been reported to the Governor's office.~~

6 ~~(b)(1) The committee shall meet at least quarterly.~~

7 ~~(2) Special meetings may be called by the chair or as provided~~  
 8 ~~by the rules of the committee.~~

9 ~~(c) The executive secretary of the committee shall keep full and true~~  
 10 ~~records of all committee proceedings and preserve all books, documents, and~~  
 11 ~~papers relating to the business of the committee.~~

12 ~~(d) The meetings shall not be open to the public under the Freedom of~~  
 13 ~~Information Act of 1967, § 25-19-101 et seq.~~

14 ~~(e) The committee shall assist the Department of Correction in~~  
 15 ~~promulgating rules and regulations to ensure the proper implementation of~~  
 16 ~~Acts 1999, No. 1353.~~

17 ~~(f)(1) The committee shall report in writing to the Governor and to~~  
 18 ~~the Legislative Council by July 31 of each year.~~

19 ~~(2) The report shall contain:~~

20 ~~(A) A summary of the proceedings of the committee during~~  
 21 ~~the preceding fiscal year;~~

22 ~~(B) A detailed and itemized statement of all revenue and~~  
 23 ~~of all expenditures made by or in behalf of the committee;~~

24 ~~(C) Other information deemed necessary or useful; and~~

25 ~~(D) Any additional information which may be requested by~~  
 26 ~~the Governor and the Legislative Council.~~

27  
 28 ~~12-12-1303, Assessing public risk.~~

29 ~~(a)(1) Sex Offender Screening and Risk Assessment shall assess on a~~  
 30 ~~case-by-case basis the public risk posed by a sex or child offender or~~  
 31 ~~sexually violent predator who is required to register under § 12-12-905.~~

32 ~~(2) Sex Offender Screening and Risk Assessment shall assess~~  
 33 ~~those persons required to register under § 12-12-905:~~

34 ~~(A) After July 1, 1999; and~~

35 ~~(B) Who have not been assessed prior to July 1, 1999.~~

36 ~~(3)(A) Adult offenders sentenced to the Department of Correction~~

1 shall be assessed as the necessary information becomes available after  
 2 reception into the Department of Correction, with that assessment being  
 3 reviewed and updated periodically during the course of incarceration.

4 (B) Sex offenders sentenced to life, life without parole,  
 5 or death shall be assessed only if being considered for release through  
 6 clemency.

7 (4) Adult offenders adjudicated guilty but given suspended or  
 8 probated sentences shall be required by the sentencing court to contact Sex  
 9 Offender Screening and Risk Assessment at Pine Bluff within ten (10) days of  
 10 adjudication to schedule an assessment to be conducted at a location  
 11 determined by the Department of Correction in consultation with the  
 12 sentencing court.

13 (5)(A) Sex offenders currently in the community who have not  
 14 been assessed and classified shall be identified by the Arkansas Crime  
 15 Information Center.

16 (B)(i) The Department of Community Correction shall notify  
 17 offenders in a particular area to present themselves at a parole office in  
 18 their area or other designated location for assessment by Sex Offender  
 19 Screening and Risk Assessment.

20 (ii) Failure to appear or failure to cooperate fully  
 21 with assessment shall result in a default classification of the highest risk  
 22 category and in notification of the parole or probation officer, if  
 23 applicable, and may be considered a violation of the statute requiring  
 24 registration.

25 (b)(1) Sex Offender Screening and Risk Assessment shall have access to  
 26 all relevant records and information in the possession of public agencies or  
 27 any private entity contracting with a public agency relating to the sex  
 28 offender or sexually violent predator under review.

29 (2) The records and information include, but are not limited to:

- 30 (A) Police reports;
- 31 (B) Statements of probable cause;
- 32 (C) Presentence investigations and reports;
- 33 (D) Complete judgments and sentences;
- 34 (E) Current classification referrals;
- 35 (F) Criminal history summaries;
- 36 (G) Violation and disciplinary reports;

1                   ~~(H)—All psychological evaluations and psychiatric hospital~~  
 2 ~~reports;~~

3                   ~~(I)—Sex offender or sexually violent predator treatment~~  
 4 ~~program reports;~~

5                   ~~(J)—Juvenile records;~~

6                   ~~(K)—Victim impact statements;~~

7                   ~~(L)—Investigation reports to the child abuse hotline, the~~  
 8 ~~Division of Children and Family Services of the Department of Human Services,~~  
 9 ~~and any entity contracting with the Department of Human Services for~~  
 10 ~~investigation or treatment of sexual or physical abuse or domestic violence;~~  
 11 ~~and~~

12                   ~~(M)—Statements of medical providers treating victims of~~  
 13 ~~sex offenses indicating the extent of injury to the victim.~~

14           ~~(c)(1)(A)—Records and information obtained under this section shall~~  
 15 ~~not be subject to the Freedom of Information Act of 1967, § 25-19-101 et~~  
 16 ~~seq., unless otherwise authorized by law.~~

17                   ~~(B)(i)—Records and information obtained under this section~~  
 18 ~~shall not be available to the sex offender except through the agency or~~  
 19 ~~individual having primary custody of them, unless otherwise ordered by a~~  
 20 ~~court of competent jurisdiction.~~

21                   ~~(ii)—The offender may be given a list of the records~~  
 22 ~~or information obtained.~~

23                   ~~(2)—The sex offender or sexually violent predator shall have~~  
 24 ~~access to records and information generated and maintained by Sex Offender~~  
 25 ~~Screening and Risk Assessment unless the records or information generated~~  
 26 ~~contains the addresses of victims or persons who have made statements adverse~~  
 27 ~~to the sex offender or sexually violent predator.~~

28           ~~(d)—In classifying the offender into a risk level for the purposes of~~  
 29 ~~public notification under § 12-12-913, Sex Offender Screening and Risk~~  
 30 ~~Assessment shall review each sex offender or sexually violent predator under~~  
 31 ~~its authority;~~

32                   ~~(1)—Prior to the offender's release from confinement in a~~  
 33 ~~correctional facility;~~

34                   ~~(2)—Prior to the release of a person who has been committed~~  
 35 ~~following an acquittal on the grounds of mental disease or defect;~~

36                   ~~(3)—Upon an adjudication of delinquency of a sex offense;~~

1           ~~(4) At any time during the juvenile division of circuit court~~  
 2 ~~judge's jurisdiction over a juvenile adjudicated delinquent of a sex offense;~~

3           ~~(5) At the start of an offender's suspended sentence;~~

4           ~~(6) At the start of the offender's term of community punishment;~~

5 ~~or~~

6           ~~(7) At the start of an offender's probation period.~~

7           ~~(e)(1) Sex Offender Screening and Risk Assessment shall issue to the~~  
 8 ~~local law enforcement agency having jurisdiction, for its use in making~~  
 9 ~~public notifications under § 12-12-913, the offender fact sheet required by~~  
 10 ~~the regulations promulgated by the Sex Offenders Assessment Committee~~  
 11 ~~regarding the sex offender or sexually violent predator.~~

12           ~~(2) The Post Prison Transfer Board shall receive copies of the~~  
 13 ~~offender fact sheet on inmates of the Department of Correction.~~

14           ~~(3) The Department of Community Correction shall receive copies~~  
 15 ~~of the offender fact sheet on any individuals under its supervision.~~

16           ~~(4)(A)(i) The offender fact sheet shall be reported on standard~~  
 17 ~~forms for ease of transmission and communication.~~

18                   ~~(ii) The offender fact sheet will also be on a~~  
 19 ~~computer-based application accessible to law enforcement and state boards and~~  
 20 ~~licensing agencies.~~

21                   ~~(iii) The offender fact sheet of sexually violent~~  
 22 ~~predators and those sex offenders found by the center to be in violation of~~  
 23 ~~registration requirements may be accessible by the general public unless to~~  
 24 ~~do so places innocent individuals at risk.~~

25           ~~(B) The standard forms shall include, but not be limited~~  
 26 ~~to:~~

27                   ~~(i) Registration information as required in § 12-12-~~  
 28 ~~908;~~

29                   ~~(ii) Risk level;~~

30                   ~~(iii) Date of deoxyribonucleic acid (DNA) sample;~~

31                   ~~(iv) Psychological factors likely to affect sexual~~  
 32 ~~control;~~

33                   ~~(v) Victim target group preference;~~

34                   ~~(vi) Treatment history and recommendations; and~~

35                   ~~(vii) Other relevant information deemed necessary by~~  
 36 ~~the committee or by professional staff doing sex offender assessments.~~

1           ~~(5)(A) — Sex Offender Screening and Risk Assessment shall ensure~~  
 2 ~~that the notice is completed in its entirety.~~

3           ~~(B) — Law enforcement shall notify the center if an offender~~  
 4 ~~has moved or is otherwise in violation of registration requirements.~~

5           ~~(6) — Copies of relevant documents gathered for the assessment~~  
 6 ~~notice may be attached to the notice as determined appropriate by~~  
 7 ~~professional staff completing the assessment.~~

8           ~~(7)(A) — All material used in the assessment will be kept on file~~  
 9 ~~in its original form for one (1) year.~~

10           ~~(B) — After one (1) year, the file may be stored~~  
 11 ~~electronically.~~

12           ~~(f)(1) — The Department of Correction, in cooperation with the~~  
 13 ~~committee, shall promulgate rules and regulations to establish the review~~  
 14 ~~process for the assessment determinations.~~

15           ~~(2) — The sex offender may request a review upon presentation of~~  
 16 ~~documentation that the law or guidelines were not properly followed or the~~  
 17 ~~presentation of information that was not available to Sex Offender Screening~~  
 18 ~~and Risk Assessment at the time of the assessment.~~

19           ~~(g)(1)(A) — A sex offender or sexually violent predator may request the~~  
 20 ~~committee to reassess the offender's assigned risk level after five (5) years~~  
 21 ~~have elapsed since initial risk assessment by Sex Offender Screening and Risk~~  
 22 ~~Assessment and may renew the request one (1) time every five (5) years~~  
 23 ~~following subsequent denials.~~

24           ~~(B) — In the request for reassessment, the offender shall~~  
 25 ~~list the facts and circumstances which demonstrate that the offender no~~  
 26 ~~longer poses the same degree of risk to the community.~~

27           ~~(2) — The committee shall also take into consideration any~~  
 28 ~~subsequent criminal acts by the sex offender or sexually violent predator who~~  
 29 ~~has requested a reassessment."~~

30  
 31  
 32                                   **APPROVED: 12/31/2003**