

1 State of Arkansas
2 90th General Assembly
3 Regular Session, 2015
4

A Bill

HOUSE BILL 1164

5 By: Representative C. Fite
6 By: Senator Collins-Smith
7

For An Act To Be Entitled

9 AN ACT CONCERNING LEVEL 4 SEX OFFENDERS RESIDING NEAR
10 A CHURCH OR OTHER PLACE OF WORSHIP; AND FOR OTHER
11 PURPOSES.
12
13

Subtitle

15 CONCERNING LEVEL 4 SEX OFFENDERS RESIDING
16 NEAR A CHURCH OR OTHER PLACE OF WORSHIP.
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18

19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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21 SECTION 1. Arkansas Code § 5-14-128 is amended to read as follows:

22 5-14-128. Registered offender living near school, public park, youth
23 center, ~~or daycare, or church or other place of worship~~ prohibited.

24 ~~(a) It is unlawful for a sex offender who is required to register under~~
25 ~~the Sex Offender Registration Act of 1997, § 12-12-901 et seq., and who has~~
26 ~~been assessed as a Level 3 or Level 4 offender to reside within two thousand~~
27 ~~feet (2,000') of the property on which any public or private elementary or~~
28 ~~secondary school, public park, youth center, or daycare facility is located.~~

29 (a) A sex offender who is required to register under the Sex Offender
30 Registration Act of 1997, § 12-12-901 et seq., and who has been assessed as
31 a:

32 (1) Level 3 or Level 4 offender may not knowingly reside within
33 two thousand feet (2,000') of the property on which a public or private
34 elementary or secondary school, public park, youth center, or daycare
35 facility is located; or

36 (2) Level 4 offender may not knowingly reside within two



1 thousand feet (2,000') of a church or other place of worship.

2 (b)(1) It is not a violation of this section if the property on which
 3 the sex offender resides is owned and occupied by the sex offender and was
 4 purchased prior to the date on which the public or private elementary or
 5 secondary school, public park, youth center, ~~or~~ daycare facility, or church
 6 or other place of worship was established.

7 (2) The exclusion in subdivision (b)(1) of this section does not
 8 apply to a sex offender who pleads guilty or nolo contendere to or is found
 9 guilty of another sex offense after the public or private elementary or
 10 secondary school, public park, youth center, ~~or~~ daycare facility, or church
 11 or other place of worship is established.

12 (c)(1)(A) With respect to a public or private elementary or secondary
 13 school or a daycare facility, it is not a violation of this section if the
 14 sex offender resides on property he or she owns prior to July 16, 2003.

15 (B) With respect to a public park or youth center, it is
 16 not a violation of this section if the sex offender resides on property he or
 17 she owns prior to July 31, 2007.

18 (2)(A) The exclusion in subdivision (c)(1)(A) of this section
 19 does not apply to a sex offender who pleads guilty or nolo contendere to or
 20 is found guilty of another sex offense after July 16, 2003.

21 (B) The exclusion in subdivision (c)(1)(B) of this section
 22 does not apply to a sex offender who pleads guilty or nolo contendere to or
 23 is found guilty of another sex offense on or after July 31, 2007.

24 (3) With respect to a church or other place of worship, it is
 25 not a violation of this section if the sex offender resides on property he or
 26 she owns prior to the effective date of this act.

27 ~~(d) A sex offender who is required to register under the Sex Offender~~
 28 ~~Registration Act of 1997, § 12-12-901 et seq., and who knowingly violates a~~
 29 ~~provision of this section is guilty of~~ A violation of this section is a Class
 30 D felony.

31 (e)(1) A person who is charged with violating this section shall be
 32 ordered as a condition of his or her release from custody not to return to
 33 the location where he or she was residing that was located within two
 34 thousand feet (2,000') of a public or private elementary or secondary school,
 35 public park, youth center, ~~or~~ daycare facility, or church or other place of
 36 worship until the charge is adjudicated.

