

1 State of Arkansas As Engrossed: H3/10/21 H3/23/21 H4/1/21

2 93rd General Assembly

# A Bill

3 Regular Session, 2021

HOUSE BILL 1625

4

5 By: Representative Haak

6 By: Senator Hester

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## For An Act To Be Entitled

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AN ACT TO BE KNOWN AS THE "SAFE TRAILS ACT"; TO

10

PRESERVE, PROMOTE, AND SUSTAIN AN EXCELLENT QUALITY

11

OF LIFE; AND FOR OTHER PURPOSES.

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## Subtitle

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TO BE KNOWN AS THE "SAFE TRAILS ACT"; TO

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PRESERVE, PROMOTE, AND SUSTAIN AN

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EXCELLENT QUALITY OF LIFE.

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

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22 SECTION 1. Arkansas Code § 5-14-101, concerning definitions used in  
23 regard to sexual offenses, is amended to add an additional subdivision to  
24 read as follows:

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(15) "Easement" means a surface easement for pedestrian,

26

bicycle, and recreational use.

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28 SECTION 2. Arkansas Code § 5-14-128(c), concerning a sex offender who  
29 resides near certain places, is amended to read as follows:

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

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

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(C) With respect to privately owned land for which an



1 easement has been granted to the state or a county, city, or town and that is  
2 used as part of the public park system of the state or a county, city, or  
3 town, it is not a violation of this section if the sex offender resides on  
4 property he or she owns prior to the effective date of this act.

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

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

11 (C) The exclusion in subdivision (c)(1)(C) of this section  
12 does not apply to a sex offender who pleads guilty or nolo contendere to or  
13 is found guilty of another sex offense on or after the effective date of this  
14 act.

15 (3) With respect to a church or other place of worship, it is  
16 not a violation of this section if the sex offender resides on property he or  
17 she owns prior to July 22, 2015.

18  
19 SECTION 3. Arkansas Code § 5-14-128(f), concerning definitions used in  
20 regard to locations where certain sex offenders may not reside within a  
21 certain distance, is amended to read as follows:

22 (f) As used in this section:

23 (1) "Church or other place of worship" means a physical location  
24 that has a primary purpose of facilitating the meeting of persons in order to  
25 practice a religion;

26 (2)(A) "Public park" means any property owned or maintained by  
27 this state or a county, city, or town in this state for the recreational use  
28 of the public.

29 (B) "Public park" includes the portion of any privately  
30 owned land over which an easement has been granted to the state or a county,  
31 city, or town and that is used as part of the public park system of the state  
32 or a county, city, or town; and

33 (3) "Youth center" means any building, structure, or facility  
34 owned or operated by a not-for-profit organization or by this state or a  
35 county, city, or town in this state for use by minors to promote the health,  
36 safety, or general welfare of the minors.

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*/s/Haak*

**APPROVED: 4/27/21**