

**Stricken language would be deleted from and underlined language would be added to the law as it existed
prior to this session of the General Assembly.
Act 1406 of the Regular Session**

1 State of Arkansas
2 87th General Assembly
3 Regular Session, 2009
4

A Bill

HOUSE BILL 2258

5 By: Representative Wells
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For An Act To Be Entitled

9 AN ACT TO REQUIRE THE COURT TO ORDER A REGISTERED
10 SEX OFFENDER, AS A CONDITION OF HIS OR HER
11 RELEASE FROM CUSTODY, NOT TO RETURN TO THE
12 LOCATION WHERE HE OR SHE WAS RESIDING IF THE
13 RESIDENCE WAS LOCATED WITHIN 2,000 FEET OF A
14 SCHOOL, PARK, YOUTH CENTER, OR DAYCARE FACILITY;
15 AND FOR OTHER PURPOSES.
16

Subtitle

17
18 REGARDING A SEX OFFENDER'S PLACE OF
19 RESIDENCE UPON RELEASE FROM CUSTODY.
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21

22 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
23

24 SECTION 1. Arkansas Code § 5-14-128 is amended to read as follows:

25 5-14-128. Registered offender living near school, public park, youth
26 center, or daycare prohibited.

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

33 (b)(1) It is not a violation of this section if the property on which
34 the sex offender resides is owned and occupied by the sex offender and was
35 purchased prior to the date on which the public or private elementary or



1 secondary school, public park, youth center, or daycare facility was
 2 established.

3 (2) The exclusion in subdivision (b)(1) of this section does not
 4 apply to a sex offender who pleads guilty or nolo contendere to or is found
 5 guilty of another sex offense after the public or private elementary or
 6 secondary school, public park, youth center, or daycare facility is
 7 established.

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

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

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

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

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

23 (e)(1) A person who is charged with violating this section shall be
 24 ordered as a condition of his or her release from custody not to return to
 25 the location where he or she was residing that was located within 2,000 feet
 26 of a public or private elementary or secondary school, public park, youth
 27 center, or daycare facility until the charged is adjudicated.

28 (2) The court having jurisdiction over the charge may order that
 29 the defendant be allowed to return to his or her residence before the
 30 adjudication of the charge if good cause is shown.

31 ~~(e)~~(f) As used in this section:

32 (1) "Public park" means any property owned or maintained by this
 33 state or a county, city, or town in this state for the recreational use of
 34 the public; and

35 (2) "Youth center" means any building, structure, or facility
 36 owned or operated by a not-for-profit organization or by this state or a

1 county, city, or town in this state for use by minors to promote the health,
2 safety, or general welfare of the minors.

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APPROVED: 4/9/2009