Stricken language would be deleted from and underlined language would be added to present law. Act 463 of the Regular Session

1	State of Arkansas	As Engrossed: H2/6/19		
2	92nd General Assembly	A Bill		
3	Regular Session, 2019		SENATE BILL 10	
4				
5	By: Senator T. Garner			
6	By: Representative Petty			
7				
8	For An Act To Be Entitled			
9	AN ACT PROHIBITING A REGISTERED SEX OFFENDER FROM			
10	PARTICIPATING IN CERTAIN HALLOWEEN-RELATED			
11	ACTIVITIES	; AND FOR OTHER PURPOSES.		
12				
13				
14		Subtitle		
15	PROH	IBITING A REGISTERED SEX OFFENDER		
16	FROM	PARTICIPATING IN CERTAIN HALLOWEEN-		
17	RELAT	TED ACTIVITIES.		
18				
19				
20	BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:			
21				
22		ansas Code Title 5, Chapter 14, Subcha	pter l, is amended	
23	to add an additional section to read as follows:			
24	<u>5-14-135. Regis</u>	stered offender prohibited from partic	<u>cipating in certain</u>	
25	<u>Halloween-related acti</u>	<u>vities.</u>		
26	<u>(a) As used in</u>			
27		cume" means an outfit worn to create t		
28		articular period, person, place, or th	-	
29		loween-related event" means an event i	-	
30		concerning the celebration of Hallowee	-	
31	time during the two (2) weeks before or after October 31 of each year,			
32	including without limitation:			
33		Trick-or-treating;		
34		A costume party; and		
35		An event involving the wearing of a	<u>costume or the</u>	
36	handing out of candy t	co children.		



As Engrossed: H2/6/19

1	(b) It is unlawful for a person who is required to register under the		
2	Sex Offender Registration Act of 1997, § 12-12-901 et seq., and who has been		
3	assessed as a Level 3 or Level 4 offender to knowingly:		
4	(1) Distribute candy or any item to a minor as part of a		
5	Halloween-related event; or		
6	(2) Wear a mask or other costume as part of a Halloween-related		
7	event if a minor is present at the Halloween-related event.		
8	(c) It is not an offense under:		
9	(1) Subdivision (b)(1) of this section if the person is a parent		
10	or guardian of a minor to whom the candy or item is distributed; or		
11	(2) Subdivision (b)(2) of this section if the person is a parent		
12	or guardian of all minors present at the Halloween-related event.		
13	(d) A violation of this section is a Class D felony.		
14	(e) It is a defense to prosecution under this section that the person		
15	<u>was:</u>		
16	(1) Wearing a costume for a legitimate work-related event or		
17	purpose during normal business hours; or		
18	(2) Engaged in the commercial or retail sale of candy or other		
19	Halloween-related merchandise.		
20	/s/T. Garner		
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23	APPROVED: 3/14/19		
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