Stricken language would be deleted from and underlined language would be added to present law. Act 878 of the Regular Session

1	State of Arkansas	As Engrossed: H3/11/21	
2	93rd General Assembly	A Bill	
3	Regular Session, 2021		HOUSE BILL 1561
4			
5	By: Representative Gazaway	у	
6			
7		For An Act To Be Entitled	
8	AN ACT CO	ONCERNING THE DEFINITION OF "TARGET GRO	OUP" AS
9	IT APPLIE	ES TO COMMUNITY CORRECTION; AND FOR OTH	HER
10	PURPOSES.	•	
11			
12			
13		Subtitle	
14	CON	CERNING THE DEFINITION OF "TARGET	
15	GRO	UP" AS IT APPLIES TO COMMUNITY	
16	COR	RECTION.	
17			
18			
19	BE IT ENACTED BY THE	GENERAL ASSEMBLY OF THE STATE OF ARKA	NSAS:
20			
21	SECTION 1. Ark	kansas Code § 16-93-1202(10), concerni	ng the definition
22	of "target group" as	it is applied to community correction	, is amended to
23	read as follows:		
24	(10)(A)(i	i) "Target group" means a group of of:	fenders and
25	offenses determined t	to be, but not limited to, theft, thef	t by receiving, hot
26	checks, residential b	ourglary, commercial burglary, failure	to appear,
27	fraudulent use of cro	edit cards, criminal mischief, breaking	g or entering, drug
28	paraphernalia, drivi	ng while intoxicated, fourth or subseq	uent offense, all
29	other Class B felonio	es, Class C felonies, or Class D felon	ies that are not
30	either violent or sex	xual and that meet the eligibility cri-	teria determined by
31	the General Assembly	to have significant impact on the use	-of-correctional
32	resources, Class A co	ontrolled substance felonies and Class	-B controlled
33	substance felonies, a	and all other unclassified felonies fo	r which the
34	prescribed limitation	ns on a sentence do not exceed the pre-	scribed limitations
35	for a Class B felony	and that are not either violent or se	xual. <u>who have</u>
36	committed one (1) or	more of the following offenses without	t limitation:

1	(a) Terroristic threatening, § 5-13-301, if a		
2	firearm was not used or brandished during the commission of the offense;		
3	(b) Endangering the welfare of a minor in the		
4	first degree, § 5-27-205;		
5	(c) Theft, § 5-36-101 et seq.;		
6	(d) Theft by receiving, § 5-36-106;		
7	(e) Fraudulent use of a credit card or debit		
8	card, § 5-37-207;		
9	(f) Violation of the Arkansas Hot Check Law, §		
10	<u>5-37-301</u> et seq.;		
11	(g) Criminal mischief in the first degree, §		
12	5-38-203, and criminal mischief in the second degree, § 5-38-204;		
13	(h) Commercial burglary, § 5-39-201(b);		
14	(i) Breaking or entering, § 5-39-202;		
15	(j) Failure to appear, § 5-54-120;		
16	(k) Drug paraphernalia, § 5-64-443;		
17	(1) Driving or boating while intoxicated, § 5-		
18	65-103, fourth or subsequent offense;		
19	(m) Leaving the scene of an accident resulting		
20	<u>in death or injury, § 27-53-101;</u>		
21	(n) A Class C felony or Class D felony that is		
22	not violent or sexual and that meets the eligibility criteria determined by		
23	the General Assembly to have significant impact on the use of correctional		
24	resources;		
25	(o) A controlled substance felony, other than		
26	trafficking a controlled substance, § 5-64-440;		
27	(p) An unclassified felony for which the		
28	prescribed limitations on the sentence do not exceed the prescribed		
29	limitations for a Class B felony and that is not violent or sexual; and		
30	(q) Solicitation, attempt, or conspiracy to		
31	commit an offense listed in this subdivision (10)(A)(i).		
32	(ii) Offenders committing solicitation, attempt, or		
33	conspiracy of the substantive offenses listed in subdivision (10)(Λ)(i) of		
34	this section are also included in the group.		
35	$\frac{\text{(iii)}(\text{ii})}{\text{(iii)}}$ As used in this subdivision (10)(A),		
36	"violent or sexual" includes:		

1	<u>(a)</u> all offenses An offense against the person
2	codified in under § 5-10-101 et seq., § 5-11-101 et seq., § 5-12-101 et seq.,
3	§ 5-13-201 et seq., § 5-13-301 et seq., and § 5-14-101 et seq., <u>§ 5-13-310</u> ,
4	and § 5-14-101 et seq.; and
5	(b) any An offense containing as an element of
6	the offense the use of physical force, the threatened use of serious physical
7	force, the infliction of physical harm injury, or the creation of a
8	substantial risk of serious physical harm injury, and an offense for which
9	the offender is required to register as a sex offender under the Sex Offender
10	Registration Act of 1997, § 12-12-901 et seq.
11	(iv)(iii) For the purpose of the sealing of a
12	criminal record under § 16-93-1207, "target group" includes any misdemeanor
13	conviction except a misdemeanor conviction for which the offender is required
14	to register as a sex offender or a misdemeanor conviction for driving while
15	intoxicated.
16	(B) Except for those offenders assigned to a technical
17	violator program, only those offenders and offenses falling within the target
18	group population may access community correction facilities whether by
19	judicial transfer, administrative transfer, drug court sanction, or probation
20	sanction.
21	(C) Final determination of eligibility for placement in
22	any community correction center or program is the responsibility of the
23	Division of Community Correction;
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25	/s/Gazaway
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28	APPROVED: 4/25/21
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