



*Arkansas
Sentencing
Commission*

**Impact Assessment for SB10
Sponsored by Senator Garner**

Subtitle PROHIBITING A REGISTERED SEX OFFENDER FROM PARTICIPATING IN CERTAIN HALLOWEEN-RELATED ACTIVITIES.

Impact Summary¹ Cannot be determined.

Change from current law² Amends Arkansas Code Title 5, Chapter 14, Subchapter 1 by creating A.C.A. § 5-14-135, Registered Offender prohibited from participating in certain Halloween-related activities. Under the proposed bill, it is unlawful for a person who is required to register under the Sex Offender Registration Act of 1997, § 12-12-901 et seq., and who has been assessed a Level 3 or Level 4 offender to knowingly (1) distribute candy or any item to a minor as part of a Halloween-related event, or (2) wear a mask or other costume as part of a Halloween-related event if a minor is present at the Halloween-related event.

Under the proposed bill, it is not considered a violation if the sex offender (1) is a parent or guardian of a minor to whom the candy or item is distributed, or (2) is a parent or guardian of all minors present at the Halloween-related event.

Impact Information

Because this proposed bill creates a new offense, data is unavailable as to the likely number of convictions per year. Therefore, the impact of this proposed bill cannot be determined. The following numbers are provided for informational purposes only. Arkansas Crime Information Center reports the following as of December 11, 2018: There are 4,975 Level 3 and 432 Level 4 sex offenders on the Arkansas Sex Offender Registry. This would serve as the potential pool of offenders under the proposed bill.

Other States

The Sentencing Commission examined the laws regarding similar prohibitions for sex offenders in the following states: Louisiana, Florida, Virginia, Missouri, Tennessee, and Illinois. Of those, four states (Louisiana, Florida, Missouri and Illinois) have laws which specifically deal with the subject matter of this bill.

¹ This impact assessment was prepared (1/15/2019, 10:46 a.m.) by the staff of the Arkansas Sentencing Commission pursuant to A. C. A. § 16-90-802(d)(6) with data supplied by the Arkansas Department of Correction and the Administrative Office of the Courts. A micro-simulation model may be used for bills which have the potential for significant impact on correctional resources. The following designations will be used: “minimal” = less than 10 offenders per year will be affected; “medium” = would require budgetary increases for ADC inmate costs; and “major” = would require budgetary increases for ADC inmate costs and construction costs for additional beds.

² Standard punishment ranges:

Class Y	10-40 years or life	Class C	3-10 years; up to \$10,000	Class A	Up to 1 year; up to \$2,500
Class A	6-30 years; up to \$15,000	Class D	0-6 years; up to \$10,000	Class B	Up to 90 days; up to \$1,000
Class B	5-20 years; up to \$15,000	Unclassified	As specified in statute	Class C	Up to 30 days; up to \$500

Louisiana	Sex offenders are prohibited from distributing candy or gifts on Halloween or other public holidays (including Mardi Gras, Christmas, or other recognized holidays).	Separate Offense
Florida	Sex offenders are prohibited from distributing candy or other items to children on Halloween, wearing a Santa Clause costume, Easter Bunny costume, entertaining at children's parties, or wearing a clown costume without prior approval from their supervising authority.	Condition of Supervision
Missouri	Sex offenders are required to avoid all Halloween-related contact with children, post a sign at their residence that there are no candy or treats at the residence, remain inside their residence between the hours of 5 p.m. and 10:30 p.m. (except for just cause), and leave outside lighting off during the evening hours.	Separate Offense
Illinois	Sex offenders are prohibited from participating in holiday events involving children under the age of 18, including handing out candy on Halloween, wearing a Santa Clause costume, or an Easter Bunny costume.	Separate Offense