

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.

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

A Bill

HOUSE BILL 1015

4
5 By: Representative Abernathy

For An Act To Be Entitled

9 AN ACT CONCERNING REGISTRATION OF ARSONISTS; AND
10 FOR OTHER PURPOSES.

Subtitle

13 AN ACT CONCERNING REGISTRATION OF
14 ARSONISTS.

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

19 SECTION 1. Arkansas Code Title 12, Chapter 13, is amended to add a new
20 subchapter to read as follows:

21
22 12-13-401. Title.

23 This subchapter shall be known and may be cited as the "Arson
24 Registration Act".

25
26 12-13-402. Definitions.

27 As used in this subchapter:

28 (1) "Arsonist" means:

29 (A) A person charged as an adult in circuit court with
30 arson, § 5-38-301, and:

31 (i) Convicted of arson, § 5-38-301, or any attempt
32 or solicitation of arson, § 5-38-301; or

33 (ii) Found not guilty by reason of mental disease or
34 defect;

35 (B) A minor charged and adjudicated delinquent of arson, §
36 5-38-301, in a juvenile proceeding; or



1 (C) A person convicted of any state, federal, military, or
 2 foreign law substantially similar to arson, § 5-38-301; and

3 (2) “Temporarily domiciled” means residing at a location for a
 4 period of more than twenty-one (21) days, including residing for more than
 5 twenty-one (21) days as a student while attending an institution of higher
 6 education.

7
 8 12-13-403. Duty to register.

9 (a) Within ten (10) days of becoming temporarily domiciled or
 10 permanently domiciled in a county, an arsonist shall register in person and
 11 provide accurate information to the county sheriff’s department. The
 12 information shall include the arsonist’s:

- 13 (1) Current address;
- 14 (2) Current place of employment, if applicable; and
- 15 (3) Current school he or she is attending, if applicable.

16 (b) An arsonist temporarily domiciled or permanently domiciled in a
 17 county is obligated to notify the county sheriff’s department upon the change
 18 of his or her address, employment, or school he or she is attending within
 19 that county within five (5) days of the change of his or her address,
 20 employment, or school.

21
 22 12-13-404. Sheriff’s department notification to local entities.

23 (a) A county sheriff’s department maintaining the registration
 24 required by this subchapter shall notify in writing all of the following
 25 within its jurisdiction, if applicable, of any new registrants or changes of
 26 required information for all arsonists already registered in its
 27 jurisdiction:

- 28 (1) Fire departments, including volunteer fire departments;
- 29 (2) Municipal police or law enforcement agencies;
- 30 (3) Local offices maintained by the Department of Arkansas State
 31 Police; and
- 32 (4) Law enforcement agencies maintained by a school or
 33 institution of higher education.

34 (b) A county sheriff’s department shall verify the addresses of
 35 arsonists domiciled in its jurisdiction and registered with the county
 36 sheriff’s department at least one (1) time per calendar year.

1
 2 12-13-405. Notification of the registration requirement to the
 3 arsonist.

4 (a) The Department of Community Correction shall notify in writing any
 5 arsonist released from incarceration from the Department of Correction within
 6 three (3) days of the arsonist's release of the registration requirements of
 7 this subchapter.

8 (b) If an arsonist is placed on supervised probation as a result of
 9 his or her pleading guilty or nolo contendere to arson, the sentencing court
 10 shall notify the arsonist in writing and at the time the sentence is placed
 11 into effect of the registration requirements of this subchapter.

12 (c) If an arsonist is to be released from the Arkansas State Hospital,
 13 a residential treatment facility, or hospital for which he or she was
 14 admitted under a court order that was the result of an adjudication involving
 15 the arsonist's conviction or sentence for arson, the Arkansas State Hospital,
 16 the residential treatment facility, or the hospital shall notify in writing
 17 at the time of release both the arsonist and any person to whom the arsonist
 18 is being released and who maintains a legal responsibility over the arsonist
 19 of the registration requirement of this subchapter.

20
 21 12-13-406. Abatement of registration requirement.

22 The requirement to register under this subchapter ceases after a period
 23 of ten (10) years following the latest of:

24 (1) The date the arsonist successfully completed his or her
 25 applicable sentence, including any period of time during which the arsonist
 26 was supervised by the Department of Community Correction; or

27 (2) The date the arsonist is released from the Arkansas State
 28 Hospital, residential treatment facility, or any hospital where the arsonist
 29 was admitted under a finding of mental disease or defect.

30
 31 12-13-407. Persons not required to register.

32 Until the arsonist is released, this subchapter does not apply to an
 33 arsonist:

34 (1) Housed in a facility maintained by the Department of
 35 Correction;

36 (2) Incarcerated in a county, city, or other local jail as the

1 result of an arrest or conviction and sentence;

2 (3) Residing or otherwise housed at a residential treatment
3 facility or hospital; or

4 (4) Residing or housed at the Arkansas State Hospital under an
5 involuntary civil commitment or a judicial finding of having a mental disease
6 or defect that resulted in an acquittal in a criminal case.

7
8 12-13-408. Penalties.

9 Upon conviction, a person who is required to register under this
10 section who:

11 (1) Knowingly fails to register or knowingly supplies false or
12 misleading information required by this section is guilty of a Class D
13 felony; or

14 (2) Knowingly fails to notify a county sheriff's department
15 maintaining the required information of a change in the person's address,
16 name, or place of employment is guilty of a Class A misdemeanor.

17
18 12-13-409. Release of information.

19 (a)(1) The information gathered by a county sheriff's department and
20 distributed to the entities listed in § 12-13-404 shall not be made available
21 to the general public for inspection and is not subject to the Freedom of
22 Information Act of 1967, § 25-19-101 et seq.

23 (2) A knowing violation of this subsection is a Class B
24 misdemeanor.

25 (b) A state or federal law enforcement agency or a state or federal
26 agency responsible for investigating fires or insurance claims involving
27 fires may inspect information maintained by a county sheriff's department
28 under this subchapter.

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