

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 88th General Assembly
3 Regular Session, 2011

A Bill

HOUSE BILL 1009

4
5 By: Representatives Woods, Harris, Lea

For An Act To Be Entitled

8 AN ACT TO PROVIDE FOR PUBLIC NOTIFICATION OF SEX
9 OFFENDERS REGISTERED IN ANOTHER STATE; AND FOR OTHER
10 PURPOSES.

Subtitle

14 PROVIDE FOR PUBLIC NOTIFICATION OF
15 SEX OFFENDERS REGISTERED IN ANOTHER
16 STATE.

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

21 SECTION 1. Arkansas Code Title 12, Subtitle 2, Chapter 12, Subchapter
22 9 is amended to add a new section to read as follows:

23 12-12-924. Public notification of a sex offender registered in another
24 state before Arkansas sex offender assessment.

25 (a)(1) A local law enforcement agency having jurisdiction may
26 immediately perform public notification when the local law enforcement agency
27 having jurisdiction determines that a person registered as a sex offender in
28 another state becomes or intends to become a resident of this state.

29 (2)(A) Public notification under this section may be made only
30 if the person registered as a sex offender in the other state is assessed by
31 the other state as the equivalent or more of at least a Level 3 offender in
32 this state.

33 (B) The local law enforcement agency having jurisdiction
34 shall determine whether a person is the equivalent or more of a Level 3
35 offender as that level is defined by the Sex Offender Assessment Committee
36 and as required by subdivision (a)(2)(A) of this section by assessing the



1 following factors:

2 (i) The seriousness of the offense;

3 (ii) The age of the victim;

4 (iii) Whether any force was used in the commission
 5 of the offense;

6 (iv) Whether the person is still on probation or
 7 parole;

8 (v) The time elapsed since the person completed his
 9 or her sentence, if applicable; and

10 (vi) Whether the offense involved a minor unrelated
 11 to the person.

12 (3) The public notification under this section may be done
 13 before the person's requirement to register as a sex offender in this state.

14 (4) The public notification under this section is valid until
 15 the Sex Offender Assessment Committee formally issues its own assessment of
 16 the person, at which point the notification dictated by that assessment
 17 supersedes the notification under this section.

18 (b) As used in this section, "public notification" means the posting
 19 of a one-page flyer displaying a picture of a person registered as a sex
 20 offender in another state, his or her residential address, the state from
 21 which he or she is moving, and any other pertinent information that would
 22 contribute to the safety of the public at any of the following places that
 23 are located within a three-mile radius of the sex offender's residence or
 24 intended residence in this state:

25 (1) A church;

26 (2) A school;

27 (3) A daycare;

28 (4) A library;

29 (5) A post office; or

30 (6) A business open to the public.

31 (c) A person who is subject to public notification under this section
 32 may challenge the public notification instituted by a local law enforcement
 33 agency having jurisdiction by filing for injunctive relief in the circuit
 34 court.