

1 State of Arkansas
2 89th General Assembly
3 Regular Session, 2013
4

A Bill

HOUSE BILL 2054

5 By: Representatives Scott, Dotson
6

For An Act To Be Entitled

8 AN ACT TO PROHIBIT A REGISTERED SEX OFFENDER FROM
9 RESIDING WITHIN TWO THOUSAND FEET OF A PRIVATE PARK;
10 AND FOR OTHER PURPOSES.
11

Subtitle

12 TO PROHIBIT A REGISTERED SEX OFFENDER
13 FROM RESIDING WITHIN TWO THOUSAND FEET OF
14 A PRIVATE PARK.
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19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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21 SECTION 1. Arkansas Code § 5-14-128 is amended to read as follows:

22 5-14-128. Registered offender living near school, public park, private
23 park, youth center, or daycare prohibited.

24 (a) It is unlawful for a sex offender who is required to register
25 under the Sex Offender Registration Act of 1997, § 12-12-901 et seq., and who
26 has been assessed as a Level 3 or Level 4 offender to knowingly reside within
27 two thousand feet (2,000') of the property on which any public or private
28 elementary or secondary school, public park, private park, youth center, or
29 daycare facility is located.

30 (b)(1) It is not a violation of this section if the property on which
31 the sex offender resides is owned and occupied by the sex offender and was
32 purchased prior to the date on which the public or private elementary or
33 secondary school, public park, private park, youth center, or daycare
34 facility was established.

35 (2) The exclusion in subdivision (b)(1) of this section does not
36 apply to a sex offender who pleads guilty or nolo contendere to or is found



1 guilty of another sex offense after the public or private elementary or
2 secondary school, public park, private park, youth center, or daycare
3 facility is established.

4 (c)(1)(A) With respect to a public or private elementary or secondary
5 school or a daycare facility, it is not a violation of this section if the
6 sex offender resides on property he or she owns prior to July 16, 2003.

7 (B) With respect to a public park or youth center, it is
8 not a violation of this section if the sex offender resides on property he or
9 she owns prior to July 31, 2007.

10 (C) With respect to a private park, it is not a violation
11 of this section if the sex offender resides on property he or she owns prior
12 to the effective date of this act.

13 (2)(A) The exclusion in subdivision (c)(1)(A) of this section
14 does not apply to a sex offender who pleads guilty or nolo contendere to or
15 is found guilty of another sex offense after July 16, 2003.

16 (B) The exclusion in subdivision (c)(1)(B) of this section
17 does not apply to a sex offender who pleads guilty or nolo contendere to or
18 is found guilty of another sex offense on or after July 31, 2007.

19 (C) The exclusion in subdivision (c)(1)(C) of this section
20 does not apply to a sex offender who pleads guilty or nolo contendere to or
21 is found guilty of another sex offense on or after the effective date of this
22 act.

23 (d) With respect to a private park, it is not a violation of this
24 section unless:

25 (1) The private park has posted signs at all roadway entrances
26 or footpaths into the private park that contain at a minimum the following
27 information:

28 (A) That the person is entering into a private park; and

29 (B) The name and contact information of the entity that
30 owns or maintains the private park;

31 (2) The entity that owns or maintains the private park petitions
32 the local governing body to designate the private park as a private park for
33 which a person who is required to register under the Sex Offender
34 Registration Act of 1997, § 12-12-901 et seq., is prohibited from living
35 within two thousand feet (2,000') of the private park;

36 (3) The local governing body enacts an ordinance to designate

1 the private park as a private park for which a person required to register
 2 under the Sex Offender Registration Act of 1997, § 12-12-901 et seq., is
 3 prohibited from living within two thousand feet (2,000') of the private park;
 4 and

5 (4) The ordinance enacted under subdivision (d)(3) of this
 6 section is in effect.

7 ~~(d) A sex offender who is required to register under the Sex Offender~~
 8 ~~Registration Act of 1997, § 12-12-901 et seq., and who knowingly violates a~~
 9 ~~provision of this section is guilty of (e) A violation of this section is a~~
 10 Class D felony.

11 (e)(1) A person who is charged with violating this section shall be
 12 ordered as a condition of his or her release from custody not to return to
 13 the location where he or she was residing that was located within two
 14 thousand feet (2,000') of a public or private elementary or secondary school,
 15 public park, private park, youth center, or daycare facility until the charge
 16 is adjudicated.

17 (2) The court having jurisdiction over the charge may order that
 18 the defendant be allowed to return to his or her residence before the
 19 adjudication of the charge if good cause is shown.

20 (f) As used in this section:

21 (1) "Entity" means an organization consisting of at least twenty
 22 (20) owners or members and includes without limitation a property owners'
 23 association or a homeowners' association;

24 (2) "Local governing body" means:

25 (A) The governing body of the municipality where a private
 26 park is located; or

27 (B) If a private park is not located within a
 28 municipality, the quorum court of the county where the private park is
 29 located;

30 (3) "Private park" means a property owned or maintained by an
 31 entity for the recreational use of the entity's owners or members, the
 32 public, or both;

33 ~~(1)(4)~~ "Public park" means any property owned or maintained by
 34 this state or a county, city, or town in this state for the recreational use
 35 of the public; and

36 ~~(2)(5)~~ "Youth center" means any building, structure, or facility

1 owned or operated by a not-for-profit organization or by this state or a
2 county, city, or town in this state for use by minors to promote the health,
3 safety, or general welfare of the minors.

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