

1 State of Arkansas  
2 90th General Assembly  
3 Regular Session, 2015  
4

# A Bill

HOUSE BILL 1164

5 By: Representative C. Fite  
6 By: Senator Collins-Smith  
7

## For An Act To Be Entitled

9 AN ACT CONCERNING LEVEL 4 SEX OFFENDERS RESIDING NEAR  
10 A CHURCH OR OTHER PLACE OF WORSHIP; AND FOR OTHER  
11 PURPOSES.  
12  
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## Subtitle

15 CONCERNING LEVEL 4 SEX OFFENDERS RESIDING  
16 NEAR A CHURCH OR OTHER PLACE OF WORSHIP.  
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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, youth  
23 center, ~~or daycare, or church or other place of worship~~ prohibited.

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

29 (a) A sex offender who is required to register under the Sex Offender  
30 Registration Act of 1997, § 12-12-901 et seq., and who has been assessed as

31 a:

32 (1) Level 3 or Level 4 offender may not knowingly reside within  
33 two thousand feet (2,000') of the property on which a public or private  
34 elementary or secondary school, public park, youth center, or daycare  
35 facility is located; or

36 (2) Level 4 offender may not knowingly reside within two



1 thousand feet (2,000') of a church or other place of worship.

2 (b)(1) It is not a violation of this section if the property on which  
3 the sex offender resides is owned and occupied by the sex offender and was  
4 purchased prior to the date on which the public or private elementary or  
5 secondary school, public park, youth center, ~~or~~ daycare facility, or church  
6 or other place of worship was established.

7 (2) The exclusion in subdivision (b)(1) of this section does not  
8 apply to a sex offender who pleads guilty or nolo contendere to or is found  
9 guilty of another sex offense after the public or private elementary or  
10 secondary school, public park, youth center, ~~or~~ daycare facility, or church  
11 or other place of worship is established.

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

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

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

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

24 (3) With respect to a church or other place of worship, it is  
25 not a violation of this section if the sex offender resides on property he or  
26 she owns prior to the effective date of this act.

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

31 (e)(1) A person who is charged with violating this section shall be  
32 ordered as a condition of his or her release from custody not to return to  
33 the location where he or she was residing that was located within two  
34 thousand feet (2,000') of a public or private elementary or secondary school,  
35 public park, youth center, ~~or~~ daycare facility, or church or other place of  
36 worship until the charge is adjudicated.

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

4           (f) As used in this section:

5                 (1) "Church or other place of worship" means a physical location  
6 that has a primary purpose of facilitating the meeting of persons in order to  
7 practice a religion;

8                 ~~(1)~~(2) "Public park" means any property owned or maintained by  
9 this state or a county, city, or town in this state for the recreational use  
10 of the public; and

11                 ~~(2)~~(3) "Youth center" means any building, structure, or facility  
12 owned or operated by a not-for-profit organization or by this state or a  
13 county, city, or town in this state for use by minors to promote the health,  
14 safety, or general welfare of the minors.

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