

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

# A Bill

SENATE BILL 56

5 By: Senator J. Woods  
6 By: Representative C. Fite  
7

## For An Act To Be Entitled

9 AN ACT CONCERNING THE PROCEDURES OF SEX OFFENDER  
10 REGISTRATION AND VERIFICATION; TO MAKE TECHNICAL  
11 CORRECTIONS; AND FOR OTHER PURPOSES.  
12  
13

## Subtitle

15 CONCERNING THE PROCEDURES OF SEX OFFENDER  
16 REGISTRATION AND VERIFICATION; AND TO  
17 MAKE TECHNICAL CORRECTIONS.  
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19

20 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
21

22 SECTION 1. Arkansas Code § 12-12-904(a)(2)(B), concerning failure to  
23 comply with registration requirements for sex offenders, is amended to read  
24 as follows:

25 (B) Provided the new address to the ~~Arkansas Crime~~  
26 ~~Information Center~~ local law enforcement agency having jurisdiction in  
27 writing no later than five (5) business days after the person establishes  
28 residency.  
29

30 SECTION 2. Arkansas Code § 12-12-906(c)(1)(A)(vii), concerning  
31 reporting requirements for a sex offender subject to lifetime registration,  
32 is amended to read as follows:

33 (vii) Inform the sex offender that if the sex  
34 offender's address changes within the state or to another state due to an  
35 eviction, natural disaster, or any other unforeseen circumstance, the sex  
36 offender shall give the new address to the ~~center~~ local law enforcement



1 agency having jurisdiction in writing no later than three (3) business days  
2 after the sex offender establishes residency;

3  
4 SECTION 3. Arkansas Code § 12-12-906(c)(2), concerning reporting  
5 requirements for a sex offender subject to lifetime registration, is amended  
6 to read as follows:

7 (2) When updating the registration file of a sex offender, the  
8 Department of Correction, the Department of Community Correction, the  
9 Arkansas State Hospital, or the Department of Human Services shall:

10 (A) Review with the sex offender the duty to register and  
11 obtain current information required for registration as described in § 12-12-  
12 908;

13 (B) Review with the sex offender the requirement that if  
14 the sex offender changes address within the state, the sex offender shall  
15 give the new address to the ~~center~~ local law enforcement agency having  
16 jurisdiction in writing no later than ten (10) days before the sex offender  
17 establishes residency or is temporarily domiciled at the new address;

18 (C) Review with the sex offender the requirement that if  
19 the sex offender changes address to another state, the sex offender shall  
20 register the new address with the ~~center~~ local law enforcement agency having  
21 jurisdiction and with a designated law enforcement agency in the new state  
22 not later than three (3) business days after the sex offender establishes  
23 residence or is temporarily domiciled in the new state if the new state has a  
24 registration requirement;

25 (D) Require the sex offender to read and sign a form  
26 stating that the duty of the sex offender to register under this subchapter  
27 has been reviewed;

28 (E) Inform the sex offender that if the sex offender's  
29 address changes within the state or to another state due to an eviction,  
30 natural disaster, or any other unforeseen circumstance, the sex offender  
31 shall give the new address to the ~~center~~ local law enforcement agency having  
32 jurisdiction in writing no later than three (3) business days after the sex  
33 offender establishes residency;

34 (F) Review with the sex offender the consequences of  
35 failure to provide any information required by subdivision (b)(2) of this  
36 section;

1 (G) Inform a sex offender subject to lifetime registration  
2 under § 12-12-919 of the duty to:

3 (i) Verify registration and report the information  
4 required for registration verification as described in subsections (g) and  
5 (h) of this section; and

6 (ii) Ensure that the information required for  
7 registration verification under subsections (g) and (h) of this section is  
8 provided to the local law enforcement agency having jurisdiction; and

9 (H) Review with a sex offender subject to lifetime  
10 registration under § 12-12-919 the consequences of failure to verify  
11 registration under § 12-12-904.

12  
13 SECTION 4. Arkansas Code § 12-12-906(e), concerning reporting  
14 requirements for a sex offender subject to lifetime registration, is amended  
15 to read as follows:

16 (e) Any sex offender working, enrolled, or volunteering in a public or  
17 private elementary, secondary or postsecondary school, or institution of  
18 training shall notify the ~~center~~ local law enforcement agency having  
19 jurisdiction of that status and shall register with the local law enforcement  
20 agency having jurisdiction over that campus.

21  
22 SECTION 5. Arkansas Code § 12-12-906(f), concerning reporting  
23 requirements for a sex offender subject to lifetime registration, is amended  
24 to read as follows:

25 (f)(1) An offender required to register ~~pursuant to~~ under this  
26 subchapter shall not change his or her name unless the change is:

27 (A) Incident to a change in the marital status of the sex  
28 offender; or

29 (B) Necessary to effect the exercise of the religion of  
30 the sex offender.

31 (2) The change in the sex offender's name shall be reported to  
32 the ~~Director of the Arkansas Crime Information Center~~ local law enforcement  
33 agency having jurisdiction within ten (10) calendar days after the change in  
34 name.

35 (3) A violation of this subsection is a Class C felony.

36

1 SECTION 6. Arkansas Code § 12-12-906(g)(3)(K), concerning reporting  
2 requirements for a sex offender subject to lifetime registration, is amended  
3 to read as follows:

4 (K) Date and place of any employment or volunteer work;

5  
6 SECTION 7. Arkansas Code § 12-12-906(h)(3)(K), concerning reporting  
7 requirements for a sex offender subject to lifetime registration, is amended  
8 to read as follows:

9 (K) Date and place of any employment or volunteer work;

10  
11 SECTION 8. Arkansas Code § 12-12-907(b)(3), concerning reporting by a  
12 sex offender, is amended to read as follows:

13 (3) The ~~center~~ local law enforcement agency having jurisdiction  
14 shall verify the address of a sexually dangerous person on a quarterly basis  
15 and the address of all other sex offenders on a semiannual basis.

16  
17 SECTION 9. Arkansas Code § 12-12-909 is amended to read as follows:  
18 12-12-909. Verification form – Change of address.

19 (a)(1) A person required to register as a sex offender shall verify  
20 registration every six (6) months after the person's initial registration  
21 date during the period of time in which the person is required to register.

22 (2)(A)(i) The verification shall be done in person at a local  
23 law enforcement agency having jurisdiction at which time the person shall  
24 sign and date a Sex Offender Acknowledgment Form in which a law enforcement  
25 officer shall also witness and sign.

26 (ii) The Sex Offender Acknowledgment Form shall  
27 state the date of verification as well as a date certain that the person is  
28 required to return in person to a specific local law enforcement agency  
29 having jurisdiction to verify his or her address.

30 (B) The Sex Offender Acknowledgement Form shall be uniform  
31 and created by the Arkansas Crime Information Center.

32 (C) The local law enforcement agency having jurisdiction  
33 shall file the verification of registration electronically with the center.

34 (3) If the person lives in a jurisdiction that does not have a  
35 local law enforcement agency having jurisdiction that is able to  
36 electronically file the verification, the verification shall be done by

1 certified mail in the following manner:

2 (A) The center shall mail a nonforwardable verification  
3 form to the last reported address of the person by certified mail;

4 (B)(i) The person shall return the verification form in  
5 person to the local law enforcement agency having jurisdiction within ten  
6 (10) days after receipt of the verification form.

7 (ii) Within three (3) days after receipt of the  
8 verification form, the local law enforcement agency having jurisdiction shall  
9 forward the verification form to the center;

10 (C) The verification form shall be signed by the person  
11 and state that the person still resides at the address last reported to the  
12 center; and

13 (D) If the person fails to return the verification form to  
14 the local law enforcement agency having jurisdiction within ten (10) days  
15 after receipt of the verification form, the person is in violation of this  
16 subchapter.

17 (4) If the person changes his or her address without notice or  
18 fails to return the verification form if he or she is allowed to do so by  
19 mail, notification shall be sent to law enforcement and supervising parole or  
20 probation authorities, and notice may be posted on the Internet until proper  
21 reporting is again established or the person is incarcerated.

22 (5) Subdivision (a)(1) of this section applies to a person  
23 required to register as a sexually dangerous person, except that the person  
24 shall verify the registration every ninety (90) days after the date of the  
25 initial release or commencement of parole.

26 (6) Subdivision (a)(1) of this section applies to a person  
27 required to register as a sex offender who claims to be homeless except that  
28 a person required to register as a sex offender claiming to be homeless shall  
29 verify the registration every thirty (30) days during the period of time in  
30 which the person is required to register as a sex offender and claims to be  
31 homeless.

32 (b)(1)(A) Before a change of address within the state, a sex offender  
33 shall report the change of address to the local law enforcement agency having  
34 jurisdiction no later than ten (10) days before the sex offender establishes  
35 residency or is temporarily domiciled at the new address.

36 (B) The sex offender shall report to the local law

1 enforcement agency having jurisdiction of the new address with three (3) days  
 2 after relocating to the new address.

3 ~~(B)~~(C) Upon receipt of a report of a change of address as  
 4 described in subdivision (b)(1)(A) of this section, the local law enforcement  
 5 agency having jurisdiction shall report the change of address to the center.

6 (D) Other than a change of address as provided in  
 7 subdivision (b)(1)(A) of this section, a sex offender shall report a change  
 8 of any other information required to be reported at registration under § 12-  
 9 12-908 or required to be reported at the time of verification under § 12-12-  
 10 906 to the local law enforcement agency having jurisdiction within ten (10)  
 11 days of the change.

12 (2) When a change of address within the state is reported to the  
 13 center, the center shall immediately report the change of address to the  
 14 local law enforcement agency having jurisdiction where the sex offender  
 15 expects to reside.

16 (c)(1) Before a change of address to another state, a sex offender  
 17 shall register the new address with the ~~center~~ local law enforcement agency  
 18 having jurisdiction and with a designated law enforcement agency in the state  
 19 to which the sex offender moves not later than ten (10) days before the sex  
 20 offender establishes residence or is temporarily domiciled in the new state  
 21 if the new state has a registration requirement.

22 (2) When a change of address to another state is reported to the  
 23 center, the center shall immediately notify the law enforcement agency with  
 24 which the sex offender must register in the new state if the new state has a  
 25 registration requirement.

26 (d) The center ~~may~~ shall require a sex offender to report ~~a~~ any change  
 27 of ~~address~~ information through the local law enforcement agency having  
 28 jurisdiction.

29  
 30 SECTION 10. Arkansas Code § 12-12-912 is amended to read as follows:  
 31 12-12-912. Arrests for violations.

32 (a) In order for a sex offender to be charged with the commission of a  
 33 violation of this subchapter so that an arrest warrant ~~shall~~ may be issued,  
 34 ~~it shall be the duty of~~ the local law enforcement agency having jurisdiction  
 35 ~~to~~ shall notify the prosecutor when the local law enforcement agency having  
 36 jurisdiction has reasonable grounds for believing that a sex offender is not

1 registered, has not reported a change of address or change of any other  
2 information required to be provided by the sex offender, or has not verified  
3 the sex offender's address in violation of this subchapter.

4 (b) The address of a sex offender as listed in the sex offender's  
5 registration file shall determine which local law enforcement agency has  
6 jurisdiction.

7 (c) A law enforcement officer shall arrest a sex offender when a  
8 warrant has been issued for the sex offender's arrest or the officer has  
9 reasonable grounds for believing that a sex offender is not registered or has  
10 not reported a change of address or change of any other information required  
11 to be provided by the sex offender in violation of this subchapter.

12  
13 SECTION 11. Arkansas Code § 12-12-919, regarding the termination of an  
14 obligation to register as a sex offender, is amended to add a new subsection  
15 to read as follows:

16 (c) If a court denies a petition to terminate the obligation to  
17 register under this section, the sex offender may not file a new petition to  
18 terminate the obligation to register under this section before one (1) year  
19 from the date the order denying the previous petition was filed.