

1 State of Arkansas
2 92nd General Assembly
3 Regular Session, 2019
4

A Bill

HOUSE BILL 1680

5 By: Representative Gazaway
6 By: Senator T. Garner
7

For An Act To Be Entitled

9 AN ACT CONCERNING THE DEFINITION OF "TARGET GROUP" AS
10 IT APPLIES TO COMMUNITY CORRECTION; AND FOR OTHER
11 PURPOSES.
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Subtitle

15 CONCERNING THE DEFINITION OF "TARGET
16 GROUP" AS IT APPLIES TO COMMUNITY
17 CORRECTION.
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20 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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22 SECTION 1. Arkansas Code § 16-93-1202(10), concerning the definition
23 of "target group" as it is applied to community correction, is amended to
24 read as follows:

25 (10)(A)(i) "Target group" means a group of offenders ~~and~~
26 ~~offenses determined to be, but not limited to, theft, theft by receiving, hot~~
27 ~~checks, residential burglary, commercial burglary, failure to appear,~~
28 ~~fraudulent use of credit cards, criminal mischief, breaking or entering, drug~~
29 ~~paraphernalia, driving while intoxicated, fourth or subsequent offense, all~~
30 ~~other Class B felonies, Class C felonies, or Class D felonies that are not~~
31 ~~either violent or sexual and that meet the eligibility criteria determined by~~
32 ~~the General Assembly to have significant impact on the use of correctional~~
33 ~~resources, Class A controlled substance felonies and Class B controlled~~
34 ~~substance felonies, and all other unclassified felonies for which the~~
35 ~~prescribed limitations on a sentence do not exceed the prescribed limitations~~
36 ~~for a Class B felony and that are not either violent or sexual, who have~~



1 committed one (1) or more of the following offenses without limitation:

2 (a) Terroristic threatening, § 5-13-301, if a
3 firearm was not used or brandished during the commission of the offense;

4 (b) Domestic battering in the third degree, §
5 5-26-305;

6 (c) Endangering the welfare of a minor in the
7 first degree, § 5-27-205;

8 (d) Theft, § 5-36-101 et seq.;

9 (e) Theft by receiving, § 5-36-106;

10 (f) Fraudulent use of a credit card or debit
11 card, § 5-37-207;

12 (g) Violation of the Arkansas Hot Check Law, §
13 5-37-301 et seq.;

14 (h) Criminal mischief in the first degree, §
15 5-38-203, and criminal mischief in the second degree, § 5-38-204;

16 (i) Residential or commercial burglary, § 5-
17 39-201;

18 (j) Breaking or entering, § 5-39-202;

19 (k) Failure to appear, § 5-54-120;

20 (l) Fleeing, § 5-54-125;

21 (m) Drug paraphernalia, § 5-64-443;

22 (n) Driving or boating while intoxicated, § 5-
23 65-103, fourth or subsequent offense;

24 (o) Leaving the scene of an accident resulting
25 in death or injury, § 27-53-101;

26 (p) A Class C felony or Class D felony that is
27 not violent or sexual and that meets the eligibility criteria determined by
28 the General Assembly to have significant impact on the use of correctional
29 resources;

30 (q) A controlled substance felony;

31 (r) An unclassified felony for which the
32 prescribed limitations on the sentence do not exceed the prescribed
33 limitations for a Class B felony and that is not violent or sexual; and

34 (s) Solicitation, attempt, or conspiracy of an
35 offense listed in this subdivision (10)(A)(i).

36 ~~(ii) Offenders committing solicitation, attempt, or~~

1 ~~conspiracy of the substantive offenses listed in subdivision (10)(A)(i) of~~
 2 ~~this section are also included in the group.~~

3 ~~(iii)~~(ii) As used in this subdivision (10)(A),
 4 “violent or sexual” includes:

5 (a) ~~all offenses~~ An offense against the person
 6 ~~codified in~~ under § 5-10-101 et seq., § 5-11-101 et seq., § 5-12-101 et seq.,
 7 ~~§ 5-13-201 et seq., § 5-13-301 et seq.,~~ § 5-13-201, § 5-13-202, § 5-13-204, §
 8 5-13-211, § 5-13-310, and § 5-14-101 et seq.; and

9 (b) ~~any~~ An offense containing as an element of
 10 the offense the use of physical force, the threatened use of serious physical
 11 force, the infliction of physical harm, or the creation of a substantial risk
 12 of serious physical harm, and an offense for which the offender is required
 13 to register as a sex offender under the Sex Offender Registration Act of
 14 1997, § 12-12-901 et seq.

15 ~~(iv)~~(iii) For the purpose of the sealing of a
 16 criminal record under § 16-93-1207, “target group” includes any misdemeanor
 17 conviction except a misdemeanor conviction for which the offender is required
 18 to register as a sex offender or a misdemeanor conviction for driving while
 19 intoxicated.

20 (B) Except for those offenders assigned to a technical
 21 violator program, only those offenders and offenses falling within the target
 22 group population may access community correction facilities whether by
 23 judicial transfer, administrative transfer, drug court sanction, or probation
 24 sanction.

25 (C) Final determination of eligibility for placement in
 26 any community correction center or program is the responsibility of the
 27 Department of Community Correction;

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