



*Arkansas
Sentencing
Commission*

**Impact Assessment for SB56
Sponsored by Senator J. Woods**

Subtitle CONCERNING THE PROCEDURES OF SEX OFFENDER REGISTRATION AND VERIFICATION; TO MAKE TECHNICAL CORRECTIONS; AND FOR OTHER PURPOSES.

Impact Summary¹ Undetermined.

Change from current law² Makes technical corrections to various provisions of the Sex Offender Registration Act of 1997. Amends Arkansas Code § 12-12-909(a) to create a new subdivision relating to verification of addresses for homeless sex offenders: “Subdivision (a)(1) of this section applies to a person required to register as a sex offender who claims to be homeless except that a person required to register as a sex offender claiming to be homeless shall verify the registration every thirty (30) days during the period of time in which the person is required to register as a sex offender and claims to be homeless.”

Amends Arkansas Code § 12-12-909(b)(1) by creating a timeframe in which a sex offender has to report a move to a new address to the local law enforcement agency: “The sex offender shall report to the local law enforcement agency having jurisdiction of the new address with three (3) days after relocating to the new address.” Previously, there was no specific timeframe in which the sex offender had to report the move.

Impact Information

The proposed bill would create more stringent reporting requirements for homeless sex offenders, thereby increasing the possibility of being charged with A.C.A. § 12-12-904, Failure to comply with registration and reporting requirements, a class C felony.

The proposed bill would limit the amount of time a sex offender would have to report a change in address after relocating to the new address. This requirement would also increase the possibility of a sex offender being charged with A.C.A. § 12-12-904, Failure to comply with registration and reporting

¹ This impact assessment was prepared (1/20/2015, 3:12 p.m.) by the staff of the Arkansas Sentencing Commission pursuant to A. C. A. § 16-90-802(d)(6) with data supplied by the Arkansas Department of Correction and the Administrative Office of the Courts. A micro-simulation model may be used for bills which have the potential for significant impact on correctional resources. The following designations will be used: “minimal” = less than 10 offenders per year will be affected; “medium” = would require budgetary increases for ADC inmate costs; and “major” = would require budgetary increases for ADC inmate costs and construction costs for additional beds.

² Standard punishment ranges:

Class Y	10-40 years or life	Class C	3-10 years; up to \$10,000	Class A	Up to 1 year; up to \$2,500
Class A	6-30 years; up to \$15,000	Class D	0-6 years; up to \$10,000	Class B	Up to 90 days; up to \$1,000
Class B	5-20 years; up to \$15,000	Unclassified	As specified in statute	Class C	Up to 30 days; up to \$500

requirements, a class C felony. Previously, there was no specific timeframe in which the sex offender had to report the move.

Detective Harrelson with the Little Rock Police Department reports that there are nine sex offenders who report to his agency as homeless. Detective Cook with the North Little Rock Police Department reports that there are also nine sex offenders reporting to his agency as homeless. Detective Cook stated that he recognizes a trend in his area: The number of sex offenders claiming to be homeless is increasing each year.

The Arkansas Department of Correction reports there are 583 inmates currently serving a term of incarceration for a conviction under A.C.A. § 12-12-904, Failure to comply with registration and reporting requirements, a class C felony.

A.C.A. § 12-12-904. Failure to comply with registration and reporting requirements -- Refusal to cooperate with assessment process.

(a) (1) (A) A person is guilty of a Class C felony who:

(i) Fails to register or verify registration as required under this subchapter;

(ii) Fails to report a change of address, employment, education, or training as required under this subchapter;

(iii) Refuses to cooperate with the assessment process as required under this subchapter; or

(iv) Files false paperwork or documentation regarding verification, change of information, or petitions to be removed from the registry.

(B) (i) Upon conviction, a sex offender who fails or refuses to provide any information necessary to update his or her registration file as required by § 12-12-906(b)(2) is guilty of a Class C felony.

(ii) If a sex offender fails or refuses to provide any information necessary to update his or her registration file as required by § 12-12-906(b)(2), as soon as administratively feasible the Department of Correction, the Department of Community Correction, the Arkansas State Hospital, or the Department of Human Services shall contact the local law enforcement agency having jurisdiction to report the violation of subdivision (a)(1)(B)(i) of this section.

(2) It is an affirmative defense to prosecution if the person:

(A) Delayed reporting a change in address because of:

(i) An eviction;

(ii) A natural disaster; or

(iii) Any other unforeseen circumstance; and

(B) Provided the new address to the Arkansas Crime Information Center in writing no later than five (5) business days after the person establishes residency.

(b) Any agency or official subject to reporting requirements under this subchapter that knowingly fails to comply with the reporting requirements under this subchapter is guilty of a Class B misdemeanor.

HISTORY: Acts 1997, No. 989, § 11; 1999, No. 1353, § 2; 2001, No. 1743, § 3; 2006 (1st Ex. Sess.), No. 4, § 1; 2007, No. 394, § 3; 2013, No. 172, § 2.