

1 State of Arkansas  
2 93rd General Assembly  
3 Regular Session, 2021  
4

# A Bill

HOUSE BILL 1579

5 By: Representative B. Smith  
6

## For An Act To Be Entitled

8 AN ACT TO CREATE THE TERRORISM OFFENDER REGISTRATION  
9 ACT OF 2021; AND FOR OTHER PURPOSES.  
10

### Subtitle

11 TO CREATE THE TERRORISM OFFENDER  
12 REGISTRATION ACT OF 2021.  
13

14  
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16  
17 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
18

19 SECTION 1. Arkansas Code Title 12, Chapter 12, is amended to add an  
20 additional subchapter to read as follows:  
21

#### Subchapter 20 – Terrorism Offender Registration Act of 2021

##### 12-12-2001. Title.

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23  
24 This subchapter shall be known and may be cited as the “Terrorism  
25 Offender Registration Act of 2021”.  
26

##### 12-12-2002. Definitions.

##### As used in this subchapter:

27  
28  
29  
30 (1) “Change of address” means a change of residence or a change  
31 for more than thirty (30) days of a temporary domicile, change of location of  
32 employment, education or training, or any other change that alters where a  
33 terrorism offender regularly spends a substantial amount of time;

34 (2) “Criminal justice agency” means a government agency or any  
35 subunit of a government agency that is authorized by law to perform the  
36 administration of criminal justice and which allocates more than one-half



1 (1/2) of its annual budget to the administration of criminal justice;

2 (3) "Local law enforcement agency having jurisdiction" means  
 3 the:

4 (A) Chief law enforcement officer of the municipality in  
 5 which a terrorism offender:

6 (i) Resides or expects to reside;

7 (ii) Is employed; or

8 (iii) Is attending an institution of training or  
 9 education; or

10 (B) County sheriff, if:

11 (i) The municipality does not have a chief law  
 12 enforcement officer; or

13 (ii) A terrorism offender resides or expects to  
 14 reside, is employed, or is attending an institution of training or education  
 15 in an unincorporated area of a county;

16 (4) "Terrorism offender" means a person convicted of a terrorism  
 17 offense; and

18 (5) "Terrorism offense" means an offense under § 5-54-201 et  
 19 seq., and includes any substantially similar offense under the laws of  
 20 another state, or under any military, territorial, tribal, or federal law.

21  
 22 12-12-2003. Duty to register or verify registration – Review of  
 23 requirements with offenders.

24 (a)(1)(A)(i) At the time of adjudication of guilt, the sentencing  
 25 court shall enter on the judgment and commitment or judgment and disposition  
 26 form that the offender is required to register as a terrorism offender.

27 (ii) If the sentencing court finds the offender is  
 28 required to register as a terrorism offender, then at the time of  
 29 adjudication of guilt the sentencing court shall require the terrorism  
 30 offender to complete the terrorism offender registration form prepared by the  
 31 Director of the Arkansas Crime Information Center under this subchapter and  
 32 shall forward the completed terrorism offender registration form to the  
 33 Arkansas Crime Information Center.

34 (B)(i) The Division of Correction shall ensure that a  
 35 terrorism offender received for incarceration has completed the terrorism  
 36 offender registration form.

1                   (ii) If the Division of Correction cannot confirm  
2 that the terrorism offender has completed the terrorism offender registration  
3 form, the Division of Correction shall require the terrorism offender to  
4 complete the terrorism offender registration form upon intake, release, or  
5 discharge.

6                   (C)(i) The Division of Community Correction shall ensure  
7 that a terrorism offender placed on probation or another form of community  
8 supervision has completed the terrorism offender registration form.

9                   (ii) If the Division of Community Correction cannot  
10 confirm that the terrorism offender has completed the terrorism offender  
11 registration form, the Division of Community Correction shall require the  
12 terrorism offender to complete the terrorism offender registration form upon  
13 intake, release, or discharge.

14                   (2)(A) A terrorism offender who moves to or returns to this  
15 state from another jurisdiction and who would be required to register as a  
16 terrorism offender in the jurisdiction in which he or she was adjudicated  
17 guilty or delinquent of a terrorism offense shall register with the local law  
18 enforcement agency having jurisdiction in person within five (5) calendar  
19 days after the terrorism offender moves to a municipality or county of this  
20 state.

21                   (B) A person living in this state who would be required to  
22 register as a terrorism offender in the jurisdiction in which he or she was  
23 adjudicated guilty or delinquent of a terrorism offense shall register as a  
24 terrorism offender in this state whether living, working, or attending school  
25 or other training in Arkansas.

26                   (C) A terrorism offender sentenced and required to  
27 register outside of Arkansas shall:

28                   (i) Submit to assessment by Community Notification  
29 Assessment if he or she is at least eighteen (18) years of age at the time he  
30 or she enters this state to live, work, or attend school;

31                   (ii) Provide a deoxyribonucleic acid (DNA) sample if  
32 a sample is not already accessible to the State Crime Laboratory; and

33                   (iii)(a) Pay the mandatory fee of two hundred fifty  
34 dollars (\$250) to be deposited into the DNA Detection Fund established by §  
35 12-12-1119 within ninety (90) days from the date of registration.

36                   (b) Failure to pay the fee required under

1 subdivision (a)(2)(C)(iii)(a) of this section is a Class A misdemeanor.

2 (b)(1) The registration file of a terrorism offender who is confined  
3 in a correctional facility or serving a commitment following acquittal on the  
4 grounds of mental disease or defect shall be inactive until the registration  
5 file is updated by the state agency responsible for supervision of the  
6 terrorism offender.

7 (2) Immediately prior to the release or discharge of a terrorism  
8 offender or immediately following a terrorism offender's escape or his or her  
9 absconding from supervision, the Division of Correction, the Division of  
10 Community Correction, the Arkansas State Hospital, or the Department of Human  
11 Services shall update the registration file of the terrorism offender who is  
12 to be released or discharged or who has escaped or has absconded from  
13 supervision.

14 (c)(1)(A) When registering a terrorism offender as provided in  
15 subsection (a) of this section, the sentencing court, the Division of  
16 Correction, the Division of Community Correction, the Arkansas State  
17 Hospital, the Department of Human Services, or the local law enforcement  
18 agency having jurisdiction shall:

19 (i) Inform the terrorism offender of the duty to  
20 submit to assessment and to register and obtain the information required for  
21 registration as described under this subchapter;

22 (ii) Inform the terrorism offender that if the  
23 offender changes residency within the state, the offender shall give the new  
24 address and place of employment, education, higher education, or training to  
25 the center in writing no later than five (5) calendar days before the  
26 offender establishes residency or is temporarily domiciled at the new  
27 address;

28 (iii)(a) Inform the terrorism offender that if the  
29 offender changes residency to another state or enters another state to work  
30 or attend school, the offender must also register in that state regardless of  
31 permanent residency.

32 (b) The terrorism offender shall register the  
33 new address and place of employment, education, higher education, or training  
34 with the center and with a designated law enforcement agency in the new state  
35 in person not later than five (5) calendar days after the offender  
36 establishes residency or is temporarily domiciled in the new state;

1                   (iv) Obtain fingerprints, palm prints, and a  
2 photograph of the terrorism offender if these have not already been obtained  
3 in connection with the offense that triggered registration;

4                   (v) Obtain a deoxyribonucleic acid (DNA) sample if  
5 one has not already been provided;

6                   (vi) Require the terrorism offender to complete the  
7 entire registration process, including, but not limited to, requiring the  
8 offender to read and sign a form stating that the duty of the terrorism  
9 offender to register under this subchapter has been explained;

10                   (vii) Inform the terrorism offender that if the  
11 offender's address changes within the state or to another state due to an  
12 eviction, natural disaster, or any other unforeseen circumstance, the  
13 offender shall give the new address to the local law enforcement agency  
14 having jurisdiction in person no later than five (5) calendar days after the  
15 offender establishes residency;

16                   (viii) Inform a terrorism offender who has been  
17 granted probation that failure to comply with the provisions of this  
18 subchapter may be grounds for revocation of the offender's probation; and

19                   (ix) Inform a terrorism offender subject to  
20 registration under this subchapter of the duty to:

21                   (a) Verify registration and obtain the  
22 information required for registration verification as described in subsection  
23 (g) of this section; and

24                   (b) Ensure that the information required for  
25 registration verification under subsection (g) of this section is provided to  
26 the local law enforcement agency having jurisdiction.

27                   (B)(i) An offender required to register as a terrorism  
28 offender must provide a deoxyribonucleic acid (DNA) sample, that is, a blood  
29 sample or saliva sample, upon registering if a sample has not already been  
30 provided to the State Crime Laboratory.

31                   (ii) An offender required to register as a terrorism  
32 offender who is entering the State of Arkansas must provide a  
33 deoxyribonucleic acid (DNA) sample, that is, a blood sample or saliva sample,  
34 upon registration and must pay the mandatory fee of two hundred fifty dollars  
35 (\$250) to be deposited into the DNA Detection Fund established by § 12-12-  
36 1119.

1           (2) When updating the registration file of a terrorism offender,  
2 the Division of Correction, the Division of Community Correction, the  
3 Arkansas State Hospital, or the Department of Human Services shall:

4           (A) Review with the terrorism offender the duty to  
5 register and obtain current information required for registration as  
6 described under this subchapter;

7           (B) Review with the terrorism offender the requirement  
8 that if the terrorism offender changes address within the state, the  
9 terrorism offender shall give the new address to the local law enforcement  
10 agency having jurisdiction in person no later than five (5) calendar days  
11 before the terrorism offender establishes residency or is temporarily  
12 domiciled at the new address;

13           (C) Review with the terrorism offender the requirement  
14 that if the terrorism offender changes address to another state, the  
15 terrorism offender shall register the new address with the local law  
16 enforcement agency having jurisdiction in person and with a designated law  
17 enforcement agency in the new state in person not later than five (5)  
18 calendar days after the terrorism offender establishes residency or is  
19 temporarily domiciled in the new state if the new state has a registration  
20 requirement;

21           (D) Require the terrorism offender to read and sign a form  
22 stating that the duty of the terrorism offender to register under this  
23 subchapter has been reviewed;

24           (E) Inform the terrorism offender that if the terrorism  
25 offender's address changes within the state or to another state due to an  
26 eviction, natural disaster, or any other unforeseen circumstance, the  
27 terrorism offender shall give the new address to the local law enforcement  
28 agency having jurisdiction in person no later than five (5) calendar days  
29 after the terrorism offender establishes residency;

30           (F) Review with the terrorism offender the consequences of  
31 failure to provide any information required by subdivisions (f)(3)-(7) of  
32 this section;

33           (G) Inform a terrorism offender subject to lifetime  
34 registration under this subchapter of the duty to:

35           (i) Verify registration and report the information  
36 required for registration verification as described in subdivisions (f)(3)-

1 (7) of this section; and

2 (ii) Ensure that the information required for  
3 registration verification under subdivisions (f)(3)-(7) of this section is  
4 provided in person to the local law enforcement agency having jurisdiction;  
5 and

6 (H) Review with a terrorism offender subject to lifetime  
7 registration under this subchapter the consequences of failure to verify  
8 registration under this subchapter.

9 (d) A terrorism offender working, enrolled, or volunteering in a  
10 public or private elementary, secondary or postsecondary school, or  
11 institution of training shall notify the local law enforcement agency having  
12 jurisdiction in person of that status and shall register in person with the  
13 local law enforcement agency having jurisdiction over that campus.

14 (e)(1) A terrorism offender required to register under this subchapter  
15 shall not change his or her name unless the change is:

16 (A) Incidental to a change in the marital status of the  
17 terrorism offender; or

18 (B) Necessary to effect the exercise of the religion of  
19 the terrorism offender.

20 (2) The change in the terrorism offender's name shall be  
21 reported to the local law enforcement agency having jurisdiction in person  
22 within five (5) calendar days after the change in name.

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

24 (f)(1) A terrorism offender subject to registration under this  
25 subchapter shall report in person every six (6) months after registration to  
26 the local law enforcement agency having jurisdiction to verify registration.

27 (2)(A) The local law enforcement agency having jurisdiction may  
28 determine the appropriate times and days for in-person reporting by the  
29 terrorism offender, and the determination shall be consistent with the  
30 reporting requirements of subdivision (f)(1) of this section.

31 (B)(i) If the day a terrorism offender is scheduled to  
32 report under this section passes before the day a local law enforcement  
33 agency having jurisdiction has determined as appropriate, the terrorism  
34 offender shall not be considered out of compliance if he or she reports at  
35 the next date set by the local law enforcement agency having jurisdiction.

36 (ii) If a local law enforcement agency having

1 jurisdiction sets specific times and days for reporting, then the local law  
 2 enforcement agency having jurisdiction shall have the appropriate staff  
 3 available at those times and days for a terrorism offender to report under  
 4 this section.

5 (3) Registration verification shall include reporting in person  
 6 any change to the following information concerning the terrorism offender:

7 (A) Name;

8 (B) Social Security number;

9 (C) Age;

10 (D) Race;

11 (E) Gender;

12 (F) Date of birth;

13 (G) Height;

14 (H) Weight;

15 (I) Hair and eye color;

16 (J)(i) Address of any permanent residence and address of  
 17 any current temporary residence within this state or out of this state,  
 18 including a rural route address and a post office box.

19 (ii) A post office box shall not be provided in lieu  
 20 of a physical residential address;

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

22 (L) Vehicle make, model, color, and license plate number  
 23 that the terrorism offender owns, operates, or to which he or she has access;

24 (M)(i) Fingerprints.

25 (ii) If the local law enforcement agency having  
 26 jurisdiction cannot confirm that the terrorism offender's fingerprints are  
 27 contained in the automated fingerprint identification system, the local law  
 28 enforcement agency having jurisdiction shall:

29 (a) Take the terrorism offender's fingerprints  
 30 in person at an office of the local law enforcement agency having  
 31 jurisdiction; and

32 (b) Submit the fingerprints to the center and  
 33 to the Division of Arkansas State Police.

34 (iii) If the local law enforcement agency having  
 35 jurisdiction cannot confirm that the terrorism offender's palm prints are  
 36 contained in the automated palm print identification system, the local law



1 enforcement agency having jurisdiction shall:

2 (a) Take the terrorism offender's palm prints  
3 in person at an office of the local law enforcement agency having  
4 jurisdiction; and

5 (b) Submit the palm prints to the center and  
6 to the Division of Arkansas State Police;

7 (N)(i) Photograph.

8 (ii) The local law enforcement agency having  
9 jurisdiction shall take a photograph of the terrorism offender at each  
10 registration verification in person at an office of the local law enforcement  
11 agency having jurisdiction and submit the photograph to the center;

12 (O) All computers or other devices with internet  
13 capability to which the terrorism offender has access;

14 (P) All email addresses used by the terrorism offender;

15 (Q)(i) Passport.

16 (ii) The local law enforcement agency having  
17 jurisdiction shall obtain a copy of any passport issued to the person by any  
18 country in the terrorism offender's name in person at an office of the local  
19 law enforcement agency having jurisdiction at each registration verification  
20 and submit the copy of any passport to the center;

21 (R)(i) Immigration documentation.

22 (ii) The local law enforcement agency having  
23 jurisdiction shall obtain a copy of any immigration documents issued to the  
24 terrorism offender by any country in person at an office of the local law  
25 enforcement agency having jurisdiction at each registration verification and  
26 submit a copy of the documents to the center;

27 (S)(i) Professional licenses and permits.

28 (ii) The local law enforcement agency having  
29 jurisdiction shall obtain a copy of any federal, state, or local professional  
30 license or permit issued to the terrorism offender in person at an office of  
31 the local law enforcement agency having jurisdiction at each registration  
32 verification and submit a copy of the documents to the center; and

33 (T) All social media account information.

34 (4) If the terrorism offender is enrolled or employed at an  
35 institution of higher education in this state, the terrorism offender shall  
36 also report in person to the local law enforcement agency having

1 jurisdiction:

2 (A) The name and address of each institution of higher  
 3 education where he or she is enrolled or employed, including each campus  
 4 attended;

5 (B) The county where each campus is located; and

6 (C) His or her enrollment or employment status.

7 (5) If the place of residence of the terrorism offender is a  
 8 motor vehicle, trailer, mobile home, modular home, or manufactured home, the  
 9 terrorism offender shall report in person the following information  
 10 concerning the motor vehicle, trailer, mobile home, modular home, or  
 11 manufactured home:

12 (A) Vehicle identification number;

13 (B) License tag number;

14 (C) Registration number; and

15 (D) A description, including color scheme.

16 (6) If the place of residence of the terrorism offender is a  
 17 vessel, live-aboard vessel, or houseboat, the terrorism offender shall report  
 18 in person the following information concerning the vessel, live-aboard  
 19 vessel, or houseboat:

20 (A) Hull identification number;

21 (B) Manufacturer's serial number;

22 (C) Name;

23 (D) Registration number; and

24 (E) A description, including color scheme.

25 (7) If a person who is required to register as a terrorism  
 26 offender owns an aircraft, the person shall provide in person the following  
 27 information concerning the aircraft:

28 (A) The aircraft registration number;

29 (B) The manufacturer and model of the aircraft; and

30 (C) A description of the color scheme of the aircraft.

31 (g) After verifying the registration of a terrorism offender under  
 32 subsection (f) of this section the local law enforcement agency having  
 33 jurisdiction shall file the verification with the center in accordance with  
 34 this subchapter.

35  
 36 12-12-2004. Duty to register or verify registration generally – Review

1 of requirements with offenders.

2 (a)(1)(A) Upon conviction, a person is guilty of a Class C felony who:

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

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

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

9 (iv) Files false paperwork or documentation  
10 regarding verification, change of information, or a petition to be removed  
11 from the registration requirements under this subchapter.

12 (B)(i) Upon conviction, a terrorism offender who fails or  
13 refuses to provide any information necessary to update his or her  
14 registration file as required under this section is guilty of a Class C  
15 felony.

16 (ii) If a terrorism offender fails or refuses to  
17 provide any information necessary to update his or her registration file as  
18 required under this subchapter as soon as administratively feasible the  
19 Division of Correction, the Division of Community Correction, or the  
20 Department of Human Services shall contact the local law enforcement agency  
21 having jurisdiction to report the violation of subdivision (a)(1)(B)(i) of  
22 this section.

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

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

25 (i) An eviction;

26 (ii) A natural disaster; or

27 (iii) Any other unforeseen circumstance; and

28 (B) Provided the new address to the local law enforcement  
29 agency having jurisdiction in person no later than five (5) business days  
30 after the person establishes residency.

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

34  
35 12-12-2005. Applicability.

36 (a) The registration or registration verification requirements of this

1 subchapter apply to a person who:

2 (1) Is adjudicated guilty on or after the effective date of this  
3 act, of a terrorism offense;

4 (2) Is serving a sentence of incarceration, probation, parole,  
5 or other form of community supervision as a result of an adjudication of  
6 guilt on or after the effective date of this act for a terrorism offense;

7 (3) Is acquitted on or after the effective date of this act on  
8 the grounds of mental disease or defect for a terrorism offense; and

9 (4) Is serving a commitment as a result of an acquittal on or  
10 after the effective date of this act on the grounds of mental disease or  
11 defect for a terrorism offense.

12 (b) A person who has been adjudicated guilty of a terrorism offense  
13 and whose record of conviction will be expunged under the provisions of §§  
14 16-93-301 – 16-93-303 is not relieved of the duty to register or verify  
15 registration.

16 (c)(1) If the underlying conviction of the registrant is reversed,  
17 vacated, or set aside or if the registrant is pardoned, the registrant is  
18 relieved from the duty to register or verify registration.

19 (2) Registration or registration verification shall cease upon  
20 the receipt and verification by the Arkansas Crime Information Center of  
21 documentation from the:

22 (A) Court verifying the fact that the conviction has been  
23 reversed, vacated, or set aside; or

24 (B) Governor's office that the Governor has pardoned the  
25 registrant.

26  
27 12-12-2006. Report to Arkansas Crime Information Center – Report to  
28 law enforcement agency.

29 (a)(1) Within three (3) days after registering or updating the  
30 registration file of a terrorism offender, the Division of Correction, the  
31 Division of Community Correction, the Department of Human Services, the  
32 sentencing court, or the local law enforcement agency having jurisdiction  
33 shall report, by electronic means, all information obtained from the  
34 terrorism offender and regarding the terrorism offender to the Arkansas Crime  
35 Information Center.

36 (2) The center shall immediately enter the information into its

1 record system for maintenance in a central registry and notify the local law  
2 enforcement agency having jurisdiction.

3 (b)(1)(A) No later than five (5) calendar days after release from  
4 incarceration or after the date of sentencing, a terrorism offender shall  
5 report in person to the local law enforcement agency having jurisdiction and  
6 update the information in the registration file.

7 (B) If the terrorism offender is not already registered,  
8 the local law enforcement agency having jurisdiction shall register the  
9 terrorism offender in accordance with this subchapter.

10 (2) Within three (3) days after registering a terrorism offender  
11 or receiving updated registry information on a terrorism offender, the local  
12 law enforcement agency having jurisdiction shall report, by electronic means,  
13 all information obtained from the terrorism offender to the center.

14 (3) The local law enforcement agency having jurisdiction shall  
15 verify the address of terrorism offenders on a semiannual basis.

16 (4) The center shall have access to the offender tracking  
17 systems of the Division of Correction and the Division of Community  
18 Correction to confirm the location of registrants.

19 (c) The center shall establish an alert on the criminal history record  
20 information of each person who is required to register under this subchapter  
21 that would be visible and accessible to law enforcement agencies and law  
22 enforcement officers while in the performance of their duties.

23  
24 12-12-2007. Registration format – Requirements.

25 (a) The Director of the Arkansas Crime Information Center shall  
26 prepare the format for registration as required in subsection (b) of this  
27 section and shall provide instructions for registration to each organized  
28 full-time municipal police department, county sheriff's office, the Division  
29 of Correction, the Division of Community Correction, the Department of Human  
30 Services, and the Administrative Office of the Courts.

31 (b) The registration file required by this subchapter shall include:

32 (1) The terrorism offender's full name and all aliases that the  
33 terrorism offender has used or under which the terrorism offender has been  
34 known;

35 (2) Date of birth;

36 (3) Sex;

- 1           (4) Race;  
2           (5) Height;  
3           (6) Weight;  
4           (7) Hair and eye color;  
5           (8) Address of any temporary residence;  
6           (9) Anticipated address of legal residence;  
7           (10) Driver's license number or state identification number, if  
8 available;  
9           (11) Social Security number;  
10          (12) Place of employment, education, or training;  
11          (13) Photograph, if not already obtained;  
12          (14) Fingerprints, if not already obtained;  
13          (15) Date of arrest, arresting agency, offense for which  
14 convicted or acquitted, and arrest tracking number for each adjudication of  
15 guilt or acquittal on the grounds of mental disease or defect;  
16          (16) A brief description of the crime or crimes for which  
17 registration is required;  
18          (17) A statement in writing signed by the terrorism offender  
19 acknowledging that the terrorism offender has been advised of the duty to  
20 register imposed by this subchapter;  
21          (18) All computers or other devices with internet capability to  
22 which the terrorism offender has access;  
23          (19) All email addresses used by the terrorism offender;  
24          (20) Any other information that the center deems necessary,  
25 including without limitation:  
26                (A) Criminal and corrections records;  
27                (B) Nonprivileged personnel records;  
28                (C) Treatment and abuse registry records; and  
29                (D) Evidentiary genetic markers; and  
30          (21) All social media account information.  
31          (c) Certain information such as Social Security number, driver's  
32 license number, employer, email addresses, user names, screen names, or  
33 instant message names, information that may lead to identification of a  
34 victim of the terrorism offender, and other similar information may be  
35 excluded from the information that is released during the course of  
36 notification.

1  
2 12-12-2008. Verification form – Change of address.

3 (a)(1) A terrorism offender required to register under this subchapter  
4 shall verify registration in person every six (6) months after the terrorism  
5 offender's initial registration date during the period of time in which the  
6 terrorism offender is required to register.

7 (2)(A)(i)(a) The verification shall be done in person at a local  
8 law enforcement agency having jurisdiction at which time the terrorism  
9 offender shall sign and date a Terrorism Offender Acknowledgment Form and a  
10 law enforcement officer shall also witness and sign the Terrorism Offender  
11 Acknowledgment Form.

12 (b) The Arkansas Crime Information Center  
13 shall create a uniform Terrorism Offender Acknowledgement Form required under  
14 this section.

15 (ii) The Terrorism Offender Acknowledgment Form  
16 shall state the date of verification as well as a date that the terrorism  
17 offender is required to return in person to a specific local law enforcement  
18 agency having jurisdiction to verify his or her address.

19 (B) The local law enforcement agency having jurisdiction  
20 shall file the verification of registration electronically with the center  
21 through a system provided by the center.

22 (3) If the terrorism offender changes his or her address without  
23 notice, notification shall be sent to law enforcement and supervising parole  
24 or probation authorities, and notice may be posted on the internet until  
25 proper reporting is again established or the terrorism offender is  
26 incarcerated.

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

33 (b)(1)(A) Before a change of address within the state, a terrorism  
34 offender shall report the change of address to the local law enforcement  
35 agency having jurisdiction in person no later than five (5) calendar days  
36 before the terrorism offender establishes residency or is temporarily

1 domiciled at the new address.

2 (B) The terrorism offender shall report to the local law  
3 enforcement agency having jurisdiction of the new address in person within  
4 five (5) calendar days after relocating to the new address.

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

8 (D) Other than a change of address as provided in  
9 subdivision (b)(1)(A) of this section, a terrorism offender shall report a  
10 change of any other information required to be reported at registration under  
11 § 12-12-908 or required to be reported at the time of verification under §  
12 12-12-906 to the local law enforcement agency having jurisdiction in person  
13 within five (5) calendar days of the change.

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

18 (c)(1) Before a change of address to another state, a terrorism  
19 offender shall register the new address with the local law enforcement agency  
20 having jurisdiction in person and with a designated law enforcement agency in  
21 the state to which the terrorism offender moves in person not later than five  
22 (5) calendar days before the terrorism offender establishes residency or is  
23 temporarily domiciled in the new state if the new state has a registration  
24 requirement.

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

29 (d) The center shall require a terrorism offender to report any change  
30 of information through the local law enforcement agency having jurisdiction.

31  
32 12-12-2009. Fine.

33 (a) The sentencing court shall assess at the time of sentencing a  
34 mandatory fine of two hundred fifty dollars (\$250) on any person who is  
35 required to register under this subchapter.

36 (b)(1) A person who relocates to this state and was convicted of an



1 offense in another state that requires registration in this state shall pay a  
2 fee of two hundred fifty dollars (\$250) within ninety (90) days from the date  
3 of registration.

4 (2)(A) A person who fails to pay the fee required under  
5 subdivision (b)(1) of this section upon conviction is guilty of a Class A  
6 misdemeanor.

7 (B) The person required to register has an affirmative  
8 defense to failure to pay a fee if he or she shows that his or her failure to  
9 pay the fee was not attributable to a:

10 (i) Purposeful refusal to obey the sentence of the  
11 court; or

12 (ii) Failure on the defendant's part to make a good  
13 faith effort to obtain the funds required for payment.

14  
15 12-12-2010. Arrest for violations.

16 (a) In order for a terrorism offender to be charged with the  
17 commission of a violation of this subchapter so that an arrest warrant may be  
18 issued, the local law enforcement agency having jurisdiction shall notify the  
19 prosecutor when the local law enforcement agency having jurisdiction has  
20 reasonable grounds for believing that a terrorism offender is not registered,  
21 has not reported a change of address or change of any other information  
22 required to be provided by the terrorism offender, or has not verified the  
23 terrorism offender's address in violation of this subchapter.

24 (b) The address of a terrorism offender as listed in the terrorism  
25 offender's registration file shall determine which local law enforcement  
26 agency has jurisdiction.

27 (c) A law enforcement officer shall arrest a terrorism offender when a  
28 warrant has been issued for the terrorism offender's arrest, the law  
29 enforcement officer has probable cause to believe that a terrorism offender  
30 has committed an offense under this subchapter, or the law enforcement  
31 officer has reasonable grounds for believing that a terrorism offender is not  
32 registered or has not reported a change of address or change of any other  
33 information required to be provided by the terrorism offender in violation of  
34 this subchapter.

35  
36 12-12-2011. Disclosure.

1       (a)(1) Registration records maintained under this subchapter shall be  
2 open to any criminal justice agency in this state, the United States  
3 Government, or any other state.

4       (2) Registration records may also be open to government agencies  
5 authorized by law to conduct confidential background checks.

6       (b)(1) A local law enforcement agency having jurisdiction that decides  
7 to disclose information under this section shall make a good faith effort to  
8 notify the public and residents at least fourteen (14) days before a  
9 terrorism offender is released or placed into the community.

10       (2) If a change occurs in a terrorism offender's release plan,  
11 this notification provision shall not require an extension of the release  
12 date.

13       (3) In conjunction with the notice provided under this section,  
14 the Division of Correction, the Division of Community Correction, and the  
15 Department of Human Services shall make available to a local law enforcement  
16 agency having jurisdiction all information that the Division of Correction,  
17 the Division of Community Correction, and the Department of Human Services  
18 have concerning the terrorism offender, including information on risk factors  
19 in the terrorism offender's history.

20       (c)(1) A local law enforcement agency having jurisdiction that decides  
21 to disclose information under this section shall make a good faith effort to  
22 conceal the identity of the victim or victims of the terrorism offender's  
23 offense.

24       (2) Information under this section is not subject to disclosure  
25 under the Freedom of Information Act of 1967, § 25-19-101 et seq.

26       (d) A local law enforcement agency having jurisdiction may continue to  
27 disclose information on a terrorism offender under this section for as long  
28 as the terrorism offender is required to be registered under this subchapter.

29       (e)(1) The State Board of Education and the Career Education and  
30 Workforce Development Board shall promulgate guidelines for the disclosure to  
31 students and parents of information regarding a terrorism offender when such  
32 information is released to a local school district or institution of  
33 vocational training by a local law enforcement agency having jurisdiction.

34       (2) The Arkansas Higher Education Coordinating Board shall  
35 promulgate guidelines for the disclosure to students of information regarding  
36 a terrorism offender when information regarding a terrorism offender is

1 released to an institution of higher education by a local law enforcement  
2 agency having jurisdiction.

3 (3) In accordance with guidelines promulgated by the State Board  
4 of Education, the board of directors of a local school district or  
5 institution of vocational training shall adopt a written policy regarding the  
6 distribution to students and parents of information regarding a terrorism  
7 offender.

8 (4) In accordance with guidelines promulgated by the Arkansas  
9 Higher Education Coordinating Board, the board of directors of an institution  
10 of higher education shall adopt a written policy regarding the distribution  
11 to students of information regarding a terrorism offender.

12 (f) This section does not prevent a law enforcement officer from  
13 notifying members of the public about a person who may pose a danger to the  
14 public for a reason that is not enumerated in this subchapter.

15 (g) The medical records or treatment evaluations of a terrorism  
16 offender are not subject to disclosure under the Freedom of Information Act  
17 of 1967, § 25-19-101 et seq.

18  
19 12-12-2012. Notice of release.

20 (a) The Division of Correction shall provide notice by written or  
21 electronic means to the Arkansas Crime Information Center of the anticipated  
22 release from incarceration in a county or state penal institution of a person  
23 -serving a sentence for a terrorism offense.

24 (b)(1)(A) If available, the notice required in subsection (a) of this  
25 section shall be provided to the center ninety (90) days before the  
26 offender's anticipated release.

27 (B) However, a good faith effort shall be made to provide  
28 the notice at least thirty (30) days before release.

29 (2) The notice shall include the person's name, identifying  
30 factors, offense history, and anticipated future residence.

31 (c) Upon receipt of notice, the center shall provide notice by written  
32 or electronic means to:

33 (1) The local law enforcement agency having jurisdiction; and

34 (2) Other state and local law enforcement agencies as  
35 appropriate for public safety.

36

1 12-12-2013. Authority – Rules.

2 The Division of Correction, the Division of Community Correction, the  
3 Department of Human Services, the Administrative Office of the Courts, and  
4 the Arkansas Crime Information Center shall promulgate rules to establish  
5 procedures for:

6 (1) Notifying the terrorism offender of the obligation to  
7 register under this subchapter; and

8 (2) Registering the terrorism offender.

9  
10 12-12-2014. Publication and notice of obligation to register.

11 The Office of Driver Services of the Department of Finance and  
12 Administration shall provide notice of the obligation to register under this  
13 subchapter in connection with each driver's license issued under § 27-16-801  
14 and each identification card issued under § 27-16-805.

15  
16 12-12-2015. Termination of obligation to register.

17 (a) A terrorism offender required to register under this subchapter  
18 may apply for an order terminating the obligation to register to the  
19 sentencing court fifteen (15) years after the date the terrorism offender  
20 first registered in Arkansas.

21 (b) If the terrorism offender was incarcerated in a correctional  
22 facility, the date the terrorism offender first registered in Arkansas is the  
23 date the terrorism offender registered upon his or her release from the  
24 correctional facility.

25 (c) After fifteen (15) years of having been registered as a terrorism  
26 offender in Arkansas, an offender sentenced in another state but permanently  
27 residing in Arkansas may apply for an order terminating the obligation to  
28 register in the circuit court of the county in which the terrorism offender  
29 resides or has last resided within this state.

30 (d)(1) The court shall hold a hearing on the application at which the  
31 applicant and any interested persons may present witnesses and other  
32 evidence.

33 (2) No less than twenty (20) days before the date of the hearing  
34 on the application, a copy of the application for termination of the  
35 obligation to register shall be served on:

36 (A)(i) The prosecutor of the county in which the

1 adjudication of guilt triggering registration was obtained if the terrorism  
2 offender was convicted in this state; or

3 (ii) The prosecutor of the county where a terrorism  
4 offender resides if the terrorism offender was convicted in another state;  
5 and

6 (B) The Arkansas Crime Information Center and the  
7 Community Notification Assessment.

8 (3) If the terrorism offender has not been assessed in the five  
9 (5) years before making a request to terminate the obligation to register  
10 under this section, the prosecuting attorney may request a reassessment and  
11 an order terminating the obligation to register shall not be granted without  
12 a reassessment.

13 (4) The court shall grant an order terminating the obligation to  
14 register upon proof by a preponderance of the evidence that:

15 (A) The applicant, for a period of fifteen (15) years  
16 after the applicant was released from prison or other institution or placed  
17 on parole, supervised release, or probation has not been adjudicated guilty  
18 of a terrorism offense; and

19 (B) The applicant is not likely to pose a threat to the  
20 safety of others.

21 (5) The court shall grant an order under this subdivision (d)(5)  
22 terminating the obligation to register upon proof by a preponderance of the  
23 evidence that the facts underlying the offense for which the terrorism  
24 offender is required to register no longer support a requirement to register.

25 (6) If a court denies a petition to terminate the obligation to  
26 register under this section, the terrorism offender may not file a new  
27 petition to terminate the obligation to register under this section before  
28 three (3) years from the date the order denying the previous petition was  
29 filed.

30 (e) The center shall remove a terrorism offender from the registry  
31 upon receipt by the center of adequate proof that the terrorism offender has  
32 died.

33  
34 12-12-2016. Immunity from civil liability.

35 (a) Public officials, public employees, and public agencies are immune  
36 from civil liability for good faith conduct under this subchapter.

1       (b) This subchapter does not impose any liability upon or give rise to  
2 a cause of action against any public official, public employee, or public  
3 agency for any discretionary decision to release relevant and necessary  
4 information, unless it is shown that the public official, public employee, or  
5 public agency acted with gross negligence or in bad faith.

6       (c) The provisions of this section shall also apply to persons or  
7 organizations assisting a public official, public employee, or public agency  
8 in performing official duties upon a written request to assist them by the  
9 public official, public employee, or public agency.

10  
11       12-12-2017. Disclosure and notification concerning out-of-state  
12 terrorism offenders moving into Arkansas.

13       (a) A local law enforcement agency having jurisdiction where an out-  
14 of-state terrorism offender is moving or has moved may make immediate  
15 disclosure of the terrorism offender's registration in another state before  
16 the completion of a terrorism offender assessment assigning a community  
17 notification risk level.

18       (b) A local law enforcement agency having jurisdiction where an out-  
19 of-state individual is moving or has moved who has been convicted of an  
20 offense that would require registration as a terrorism offender in Arkansas  
21 may make immediate notification appropriate for public safety before the  
22 completion of a terrorism offender assessment assigning a community  
23 notification risk level.

24  
25       12-12-2018. Travel outside of the United States.

26       (a) A terrorism offender who is required to register under this  
27 subchapter must report in person at least twenty-one (21) days before  
28 traveling outside of the United States to the local law enforcement agency  
29 having jurisdiction that he or she intends to travel outside of the United  
30 States.

31       (b) The terrorism offender making the report in person under this  
32 section must also report in person to the local law enforcement agency having  
33 jurisdiction:

34               (1) The dates of travel; and

35               (2) The foreign country, colony, territory, or possessions that  
36 the terrorism offender will visit.

1 (c) A local law enforcement agency having jurisdiction receiving a  
 2 report under this section shall immediately report the information to the  
 3 Arkansas Crime Information Center.

4  
 5 12-12-2019. Release of motor vehicle records by the Department of  
 6 Finance and Administration.

7 (a) The Department of Finance and Administration may release to a law  
 8 enforcement officer or agency information contained in a person's motor  
 9 vehicle record if:

10 (1) The information is required for the law enforcement officer  
 11 or agency to comply with this subchapter; and

12 (2) The use of the information by the law enforcement officer or  
 13 agency is related to public safety.

14 (b) A law enforcement officer or agency that obtains a record from the  
 15 department as provided in subsection (a) of this section may publicly  
 16 disclose information contained in a person's motor vehicle record if the  
 17 disclosure of the information is:

18 (1) Required by this subchapter; and

19 (2) Related to public safety.

20 (c) This section does not authorize a law enforcement officer or  
 21 agency to publicly disclose the following information obtained from a motor  
 22 vehicle record:

23 (1) A person's Social Security number; or

24 (2) A person's medical or disability information.

25  
 26 12-12-2020. Registered offender prohibited from holding position of  
 27 public trust – Definition.

28 (a) As used in this section, "position of public trust" means a  
 29 position that:

30 (1) Is in a public agency that provides public safety services,  
 31 including without limitation a fire department, law enforcement agency, or  
 32 emergency medical services agency; and

33 (2) As part of the ordinary course of the duties of the  
 34 position, requires a person holding the position to have direct physical  
 35 contact with or come within the immediate vicinity of a member of the public  
 36 outside of the building in which the public agency is located.

1           (b) A terrorism offender who is required to register under this  
2 subchapter may not hold a position of public trust.

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