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4

As Engrossed: S3/21/17
A Bill

HOUSE BILL 1540

5 By: Representative Shepherd
6 By: Senator J. Hutchinson
7

8 **For An Act To Be Entitled**

9 AN ACT CONCERNING THE REGISTRATION OF CONVICTED SEX
10 OFFENDERS ON THE ARKANSAS SEX OFFENDER REGISTRY;
11 CONCERNING REQUIRED INFORMATION ON THE ARKANSAS SEX
12 OFFENDER REGISTRY; CONCERNING IN-PERSON REPORTING;
13 AND FOR OTHER PURPOSES.
14
15

16 **Subtitle**

17 CONCERNING THE REGISTRATION OF CONVICTED
18 SEX OFFENDERS ON THE ARKANSAS SEX
19 OFFENDER REGISTRY; CONCERNING REQUIRED
20 INFORMATION ON THE ARKANSAS SEX OFFENDER
21 REGISTRY; AND CONCERNING IN-PERSON
22 REPORTING.
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24

25 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
26

27 SECTION 1. Arkansas Code § 12-12-903 is amended to add new definitions
28 to read as follows:

29 (16)(A) "Social media account" means a personal account with an
30 electronic medium or service in which a user may create, share, or access
31 user-generated content, including without limitation:

32 (i) A video;

33 (ii) A photograph;

34 (iii) A blog post;

35 (iv) A podcast;

36 (v) A transmission or message; or



- 1 (vi) An email.
- 2 (B) "Social media account" includes without limitation an
- 3 account established with:
- 4 (i) Facebook;
- 5 (ii) Twitter;
- 6 (iii) LinkedIn;
- 7 (iv) MySpace;
- 8 (v) Instagram;
- 9 (vi) SnapChat;
- 10 (vii) YouTube; or
- 11 (viii) Any other similar format, program,
- 12 application, or Internet service; and
- 13 (17) "Social media account information" means information
- 14 concerning a social media account, including without limitation:
- 15 (A) A screen name;
- 16 (B) A user identification; or
- 17 (C) A user name.

19 SECTION 2. Arkansas Code § 12-12-904 is amended to read as follows:
 20 12-12-904. Failure to comply with registration and reporting
 21 requirements – Refusal to cooperate with assessment process.

- 22 (a)(1)(A) A person is guilty of a Class C felony who:
- 23 (i) Fails to register or verify registration as
- 24 required under this subchapter;
- 25 (ii) Fails to report in person a change of address,
- 26 employment, education, or training as required under this subchapter;
- 27 (iii) Refuses to cooperate with the assessment
- 28 process as required under this subchapter; or
- 29 (iv) Files false paperwork or documentation
- 30 regarding verification, change of information, or petitions to be removed
- 31 from the registry.
- 32 (B)(i) Upon conviction, a sex offender who fails or
- 33 refuses to provide any information necessary to update his or her
- 34 registration file as required by § 12-12-906(b)(2) is guilty of a Class C
- 35 felony.
- 36 (ii) If a sex offender fails or refuses to provide

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

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

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

9 (i) An eviction;

10 (ii) A natural disaster; or

11 (iii) Any other unforeseen circumstance; and

12 (B) Provided the new address to the local law enforcement
13 agency having jurisdiction ~~in writing~~ in person no later than five (5)
14 business days after the person establishes residency.

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

18
19 SECTION 3. Arkansas Code § 12-12-906 is amended to read as follows:

20 12-12-906. Duty to register or verify registration generally – Review
21 of requirements with offenders.

22 (a)(1)(A)(i) At the time of adjudication of guilt, the sentencing
23 court shall enter on the judgment and commitment or judgment and disposition
24 form that the offender is required to register as a sex offender and shall
25 indicate whether the:

26 (a) Offense is an aggravated sex offense;

27 (b) Sex offender has been adjudicated guilty
28 of a prior sex offense under a separate case number; or

29 (c) Sex offender has been classified as a
30 sexually dangerous person.

31 (ii) If the sentencing court finds the offender is
32 required to register as a sex offender, then at the time of adjudication of
33 guilt the sentencing court shall require the sex offender to complete the sex
34 offender registration form prepared by the Director of the Arkansas Crime
35 Information Center pursuant to § 12-12-908 and shall forward the completed
36 sex offender registration form to the Arkansas Crime Information Center.

1 (B)(i) The Department of Correction shall ensure that a
2 sex offender received for incarceration has completed the sex offender
3 registration form.

4 (ii) If the Department of Correction cannot confirm
5 that the sex offender has completed the sex offender registration form, the
6 Department of Correction shall require the sex offender to complete the sex
7 offender registration form upon intake, release, or discharge.

8 (C)(i) The Department of Community Correction shall ensure
9 that a sex offender placed on probation or another form of community
10 supervision has completed the sex offender registration form.

11 (ii) If the Department of Community Correction
12 cannot confirm that the sex offender has completed the sex offender
13 registration form, the Department of Community Correction shall require the
14 sex offender to complete the sex offender registration form upon intake,
15 release, or discharge.

16 (D)(i) The Arkansas State Hospital shall ensure that the
17 sex offender registration form has been completed for any sex offender found
18 not guilty by reason of insanity and shall arrange an evaluation by Community
19 Notification Assessment.

20 (ii) If the Arkansas State Hospital cannot confirm
21 that the sex offender has completed the sex offender registration form, the
22 Arkansas State Hospital shall ensure that the sex offender registration form
23 is completed for the sex offender upon intake, release, or discharge.

24 (2)(A) A sex offender who moves to or returns to this state from
25 another jurisdiction and who would be required to register as a sex offender
26 in the jurisdiction in which he or she was adjudicated guilty or delinquent
27 of a sex offense shall register with the local law enforcement agency having
28 jurisdiction in person within seven (7) calendar days after the sex offender
29 moves to a municipality or county of this state.

30 (B)(i) Any person living in this state who would be
31 required to register as a sex offender in the jurisdiction in which he or she
32 was adjudicated guilty or delinquent of a sex offense shall register as a sex
33 offender in this state whether living, working, or attending school or other
34 training in Arkansas.

35 (ii) A nonresident worker or student who enters the
36 state shall register in compliance with the Adam Walsh Child Protection and

1 Safety Act of 2006, Pub. L. No. 109-248, as it existed on January 1, 2007.

2 (C) A sex offender sentenced and required to register
3 outside of Arkansas shall:

4 (i)(a) Submit to assessment by Community
5 Notification Assessment if he or she is at least eighteen (18) years of age
6 at the time he or she enters this state to live, work, or attend school.

7 (b) If he or she is under the age of eighteen
8 (18) at the time he or she enters this state to live, work, or attend school,
9 he or she shall submit to assessment by the University of Arkansas for
10 Medical Sciences Family Treatment Program or other agency or entity
11 authorized to conduct juvenile sex offender assessments;

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

14 (iii)(a) Pay the mandatory fee of two hundred fifty
15 dollars (\$250) to be deposited into the DNA Detection Fund established by §
16 12-12-1119 within ninety (90) days from the date of registration.

17 (b) Failure to pay the fee required under
18 subdivision (a)(2)(C)(iii)(a) of this section is a Class A misdemeanor.

19 (b)(1) The registration file of a sex offender who is confined in a
20 correctional facility or serving a commitment following acquittal on the
21 grounds of mental disease or defect shall be inactive until the registration
22 file is updated by the department responsible for supervision of the sex
23 offender.

24 (2) Immediately prior to the release or discharge of a sex
25 offender or immediately following a sex offender's escape or his or her
26 absconding from supervision, the Department of Correction, the Department of
27 Community Correction, the Arkansas State Hospital, or the Department of Human
28 Services shall update the registration file of the sex offender who is to be
29 released or discharged or who has escaped or has absconded from supervision.

30 (c)(1)(A) When registering a sex offender as provided in subsection
31 (a) of this section, the sentencing court, the Department of Correction, the
32 Department of Community Correction, the Arkansas State Hospital, the
33 Department of Human Services, or the local law enforcement agency having
34 jurisdiction shall:

35 (i) Inform the sex offender of the duty to submit to
36 assessment and to register and obtain the information required for

1 registration as described in § 12-12-908;

2 (ii) Inform the sex offender that if the sex
3 offender changes residency within the state, the sex offender shall give the
4 new address and place of employment, education, higher education, or training
5 to the ~~Arkansas Crime Information Center~~ center in writing no later than ten
6 (10) days before the sex offender establishes residency or is temporarily
7 domiciled at the new address;

8 (iii)(a) Inform the sex offender that if the sex
9 offender changes residency to another state or enters another state to work
10 or attend school, the sex offender must also register in that state
11 regardless of permanent residency.

12 (b) The sex offender shall register the new
13 address and place of employment, education, higher education, or training
14 with the center and with a designated law enforcement agency in the new state
15 in person not later than three (3) business days after the sex offender
16 establishes residence or is temporarily domiciled in the new state;

17 (iv) Obtain fingerprints, palm prints, and a
18 photograph of the sex offender if these have not already been obtained in
19 connection with the offense that triggered registration;

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

22 (vi) Require the sex offender to complete the entire
23 registration process, including, but not limited to, requiring the sex
24 offender to read and sign a form stating that the duty of the sex offender to
25 register under this subchapter has been explained;

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

32 (viii) Inform a sex offender who has been granted
33 probation that failure to comply with the provisions of this subchapter may
34 be grounds for revocation of the sex offender's probation; and

35 (ix) Inform a sex offender subject to lifetime
36 registration under § 12-12-919 of the duty to:

1 (a) Verify registration and obtain the
2 information required for registration verification as described in
3 subsections (g) and (h) of this section; and

4 (b) Ensure that the information required for
5 reregistration verification under subsections (g) and (h) of this section is
6 provided to the local law enforcement agency having jurisdiction.

7 (B)(i) Any offender required to register as a sex offender
8 must provide a deoxyribonucleic acid (DNA) sample, that is, a blood sample or
9 saliva sample, upon registering if a sample has not already been provided to
10 the State Crime Laboratory.

11 (ii) Any offender required to register as a sex
12 offender who is entering the State of Arkansas must provide a
13 deoxyribonucleic acid (DNA) sample, that is, a blood sample or saliva sample,
14 upon registration and must pay the mandatory fee of two hundred fifty dollars
15 (\$250) to be deposited into the DNA Detection Fund established by § 12-12-
16 1119.

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

20 (A) Review with the sex offender the duty to register and
21 obtain current information required for registration as described in § 12-12-
22 908;

23 (B) Review with the sex offender the requirement that if
24 the sex offender changes address within the state, the sex offender shall
25 give the new address to the local law enforcement agency having jurisdiction
26 ~~in writing~~ in person no later than ten (10) days before the sex offender
27 establishes residency or is temporarily domiciled at the new address;

28 (C) Review with the sex offender the requirement that if
29 the sex offender changes address to another state, the sex offender shall
30 register the new address with the local law enforcement agency having
31 jurisdiction in person and with a designated law enforcement agency in the
32 new state in person not later than three (3) business days after the sex
33 offender establishes residence or is temporarily domiciled in the new state
34 if the new state has a registration requirement;

35 (D) Require the sex offender to read and sign a form
36 stating that the duty of the sex offender to register under this subchapter

1 has been reviewed;

2 (E) Inform the sex offender that if the sex offender's
3 address changes within the state or to another state due to an eviction,
4 natural disaster, or any other unforeseen circumstance, the sex offender
5 shall give the new address to the local law enforcement agency having
6 jurisdiction ~~in writing~~ in person no later than three (3) business days after
7 the sex offender establishes residency;

8 (F) Review with the sex offender the consequences of
9 failure to provide any information required by subdivision (b)(2) of this
10 section;

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

13 (i) Verify registration and report the information
14 required for registration verification as described in subsections (g) and
15 (h) of this section; and

16 (ii) Ensure that the information required for
17 registration verification under subsections (g) and (h) of this section is
18 provided in person to the local law enforcement agency having jurisdiction;
19 and

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

23 (d) When registering or updating the registration file of a sexually
24 dangerous person, in addition to the requirements of subdivision (c)(1) or
25 subdivision (c)(2) of this section, the sentencing court, the Department of
26 Correction, the Department of Community Correction, the Arkansas State
27 Hospital, the Department of Human Services, or the local law enforcement
28 agency having jurisdiction shall obtain documentation of any treatment
29 received for the mental abnormality or personality disorder of the sexually
30 dangerous person.

31 (e) Any sex offender working, enrolled, or volunteering in a public or
32 private elementary, secondary or postsecondary school, or institution of
33 training shall notify the local law enforcement agency having jurisdiction in
34 person of that status and shall register in person with the local law
35 enforcement agency having jurisdiction over that campus.

36 (f)(1) An offender required to register under this subchapter shall

1 not change his or her name unless the change is:

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

4 (B) Necessary to effect the exercise of the religion of
5 the sex offender.

6 (2) The change in the sex offender's name shall be reported to
7 the local law enforcement agency having jurisdiction in person within ten
8 (10) calendar days after the change in name.

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

10 (g)(1) Except as provided in subsection (h) of this section, a sex
11 offender subject to lifetime registration under § 12-12-919 shall report in
12 person every six (6) months after registration to the local law enforcement
13 agency having jurisdiction to verify registration.

14 *(2)(A) The local law enforcement agency having jurisdiction may*
15 *determine the appropriate times and days for in-person reporting by the sex*
16 *offender, and the determination shall be consistent with the reporting*
17 *requirements of subdivision (g)(1) of this section.*

18 *(B)(i) If the day a sex offender is scheduled to report*
19 *under this section passes before the day a local law enforcement agency*
20 *having jurisdiction has determined as appropriate, the sex offender shall not*
21 *be considered out of compliance if he or she reports at the next date set by*
22 *the local law enforcement agency.*

23 *(ii) If a local law enforcement agency sets specific*
24 *times and days for reporting then the local law enforcement agency shall have*
25 *the appropriate staff available at those times and days for a sex offender to*
26 *report under this section.*

27 (3) Registration verification shall include reporting in person
28 any change to the following information concerning the sex offender:

29 (A) Name;

30 (B) Social Security number;

31 (C) Age;

32 (D) Race;

33 (E) Gender;

34 (F) Date of birth;

35 (G) Height;

36 (H) Weight;

- 1 (I) Hair and eye color;
- 2 (J)(i) Address of any permanent residence and address of
3 any current temporary residence within this state or out of this state,
4 including a rural route address and a post office box.
- 5 (ii) A post office box shall not be provided in lieu
6 of a physical residential address;
- 7 (K) Date and place of any employment or volunteer work;
- 8 (L) Vehicle make, model, color, and license tag number
9 that the sex offender owns, operates, or to which he or she has access;
- 10 (M)(i) Fingerprints.
- 11 (ii) If the local law enforcement agency having
12 jurisdiction cannot confirm that the sex offender's fingerprints are
13 contained in the automated fingerprint identification system, the local law
14 enforcement agency having jurisdiction shall:
- 15 (a) Take the sex offender's fingerprints in
16 person at an office of the law enforcement agency having jurisdiction; and
- 17 (b) Submit the fingerprints to the center and
18 to the Department of Arkansas State Police.
- 19 (iii) If the local law enforcement agency having
20 jurisdiction cannot confirm that the sex offender's palm prints are contained
21 in the automated palm print identification system, the local law enforcement
22 agency having jurisdiction shall:
- 23 (a) Take the sex offender's palm prints in
24 person at an office of the law enforcement agency having jurisdiction; and
- 25 (b) Submit the palm prints to the center and
26 to the Department of Arkansas State Police;
- 27 (N)(i) Photograph.
- 28 (ii) The local law enforcement agency having
29 jurisdiction shall take a photograph of the sex offender at each registration
30 verification in person at an office of the law enforcement agency having
31 jurisdiction and submit the photograph to the center;
- 32 (O) All computers or other devices with Internet
33 capability to which the sex offender has access;
- 34 (P) All email addresses used by the sex offender;
- 35 ~~(Q) All user names, screen names, or instant message names~~
36 ~~that are used by the sex offender to communicate in real time with another~~

1 ~~person using the Internet;~~

2 ~~(R)-(i)-(Q)(i)~~ Passport.

3 (ii) The local law enforcement agency having
4 jurisdiction shall obtain a copy of any passport issued to the person by any
5 country in the sex offender's name in person at an office of the law
6 enforcement agency having jurisdiction at each registration verification and
7 submit the copy of any passport to the center;

8 ~~(S)-(i)-(R)(i)~~ Immigration documentation.

9 (ii) The local law enforcement agency having
10 jurisdiction shall obtain a copy of any immigration documents issued to the
11 sex offender by any country in person at an office of the law enforcement
12 agency having jurisdiction at each registration verification and submit a
13 copy of the documents to the center; ~~and~~

14 ~~(T)-(i)-(S)(i)~~ Professional licenses and permits.

15 (ii) The local law enforcement agency having
16 jurisdiction shall obtain a copy of any federal, state, or local professional
17 license or permit issued to the sex offender in person at an office of the
18 law enforcement agency having jurisdiction at each registration verification
19 and submit a copy of the documents to the center; ~~and~~

20 ~~(T)~~ All social media account information.

21 (4) If the sex offender is enrolled or employed at an
22 institution of higher education in this state, the sex offender shall also
23 report in person to the local law enforcement agency having jurisdiction:

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

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

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

29 (5) If the place of residence of the sex offender is a motor
30 vehicle, trailer, mobile home, modular home, or manufactured home, the sex
31 offender shall report in person the following information concerning the
32 motor vehicle, trailer, mobile home, modular home, or manufactured home:

33 (A) Vehicle identification number;

34 (B) License tag number;

35 (C) Registration number; and

36 (D) A description, including color scheme.

1 (6) If the place of residence of the sex offender is a vessel,
2 live-aboard vessel, or houseboat, the sex offender shall report in person the
3 following information concerning the vessel, live-aboard vessel, or
4 houseboat:

- 5 (A) Hull identification number;
- 6 (B) Manufacturer's serial number;
- 7 (C) Name;
- 8 (D) Registration number; and
- 9 (E) A description, including color scheme.

10 (7) If a person who is required to register as a sex offender
11 owns an aircraft, the person shall ~~provide~~ in person the following
12 information concerning the aircraft:

- 13 (A) The aircraft registration number;
- 14 (B) The manufacturer and model of the aircraft; and
- 15 (C) A description of the color scheme of the aircraft.

16 (h)(1) A sexually dangerous person subject to lifetime registration
17 under § 12-12-919 shall report in person every ninety (90) days after
18 registration to the local law enforcement agency having jurisdiction to
19 verify registration.

20 *(2)(A) The local law enforcement agency having jurisdiction may*
21 *determine the appropriate times and days for in person reporting by the*
22 *sexually dangerous person, and the determination shall be consistent with the*
23 *reporting requirements of subdivision (h)(1) of this section.*

24 *(B)(i) If the day a sex offender is scheduled to report*
25 *under this section passes before the day a local law enforcement agency*
26 *having jurisdiction has determined as appropriate, the sex offender shall not*
27 *be considered out of compliance if he or she reports at the next date set by*
28 *the local law enforcement agency.*

29 *(ii) If a local law enforcement agency sets specific*
30 *times and days for reporting then the local law enforcement agency shall have*
31 *the appropriate staff available at those times and days for a sex offender to*
32 *report under this section.*

33 (3) Registration verification shall include reporting in person
34 any change to the following information concerning the sexually dangerous
35 person:

- 36 (A) Name;

- 1 (B) Social Security number;
- 2 (C) Age;
- 3 (D) Race;
- 4 (E) Gender;
- 5 (F) Date of birth;
- 6 (G) Height;
- 7 (H) Weight;
- 8 (I) Hair and eye color;
- 9 (J)(i) Address of any permanent residence and address of
10 any current temporary residence within this state or out of this state,
11 including a rural route address and a post office box.
- 12 (ii) A post office box shall not be provided in lieu
13 of a physical residential address;
- 14 (K) Date and place of any employment or volunteer work;
- 15 (L) Vehicle make, model, color, and license tag number
16 that the sexually dangerous person owns, operates, or to which he or she has
17 access;
- 18 (M)(i) Fingerprints.
- 19 (ii) If the local law enforcement agency having
20 jurisdiction cannot confirm that the sexually dangerous person's fingerprints
21 are contained in the automated fingerprint identification system, the local
22 law enforcement agency having jurisdiction shall:
- 23 (a) Take the sexually dangerous person's
24 fingerprints in person at an office of the law enforcement agency; and
- 25 (b) Submit the fingerprints to the center and
26 to the Department of Arkansas State Police.
- 27 (iii) If the local law enforcement agency having
28 jurisdiction cannot confirm that the sexually dangerous person's palm prints
29 are contained in the automated palm print identification system, the local
30 law enforcement agency having jurisdiction shall:
- 31 (a) Take the sexually dangerous person's palm
32 prints in person at an office of the law enforcement agency; and
- 33 (b) Submit the palm prints to the center and
34 to the Department of Arkansas State Police;
- 35 (N)(i) Photograph.
- 36 (ii) The local law enforcement agency having

1 jurisdiction shall take a photograph of the sexually dangerous person at each
2 registration verification in person at an office of the law enforcement
3 agency and submit the photograph to the center;

4 (O) All computers or other devices with Internet
5 capability to which the sex offender has access;

6 (P) All email addresses used by the sex offender;

7 ~~(Q) All user names, screen names, or instant message names~~
8 ~~that are used by the sex offender to communicate in real time with another~~
9 ~~person using the Internet;~~

10 ~~(R)(i)(Q)(1)~~ Passport.

11 (ii) The local law enforcement agency having
12 jurisdiction shall obtain a copy of any passport issued to the sexually
13 dangerous person by any country in the sexually dangerous person's name in
14 person at an office of the law enforcement agency at each registration
15 verification and submit the copy of any passport to the center;

16 ~~(S)(i)(R)(i)~~ Immigration documentation.

17 (ii) The local law enforcement agency having
18 jurisdiction shall obtain a copy of any immigration documents issued to the
19 sexually dangerous person by any country in person at an office of the law
20 enforcement agency at each registration verification and submit a copy of the
21 documents to the center; ~~and~~

22 ~~(T)(i)(S)(i)~~ Professional licenses and permits.

23 (ii) The local law enforcement agency having
24 jurisdiction shall obtain a copy of any federal, state, or local professional
25 license or permit issued to the sexually dangerous person in person at an
26 office of the law enforcement agency at each registration verification and
27 submit a copy of the documents to the center; ~~and~~

28 ~~(T)~~ All social media account information.

29 (4) If the sexually dangerous person is enrolled or employed at
30 an institution of higher education in this state, the sexually dangerous
31 person shall also report in person to the local law enforcement agency having
32 jurisdiction:

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

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

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

2 (5) If the place of residence of the sexually dangerous person
3 is a motor vehicle, trailer, mobile home, modular home, or manufactured home,
4 the sexually dangerous person shall report in person the following
5 information concerning the motor vehicle, trailer, mobile home, modular home,
6 or manufactured home:

7 (A) Vehicle identification number;

8 (B) License tag number;

9 (C) Registration number; and

10 (D) A description, including color scheme.

11 (6) If the place of residence of the sexually dangerous person
12 is a vessel, live-aboard vessel, or houseboat, the sexually dangerous person
13 shall report in person the following information concerning the vessel, live-
14 aboard vessel, or houseboat:

15 (A) Hull identification number;

16 (B) Manufacturer's serial number;

17 (C) Name;

18 (D) Registration number; and

19 (E) A description, including color scheme.

20 (7) If a sexually dangerous person who is required to register
21 as a sexually dangerous person owns an aircraft, the sexually dangerous
22 person shall ~~provide~~ report in person the following information concerning
23 the aircraft:

24 (A) The aircraft registration number;

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

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

27 (i) After verifying the registration of a sex offender under
28 subsection (g) of this section or a sexually dangerous person under
29 subsection (h) of this section, the local law enforcement agency having
30 jurisdiction shall file the verification with the center in accordance with §
31 12-12-909.

32

33 SECTION 4. Arkansas Code § 12-12-907(b)(1), concerning a sex offender
34 reporting after release from incarceration, is amended to read as follows:

35 (b)(1)(A) No later than ten (10) days after release from incarceration
36 or after the date of sentencing, a sex offender shall report in person to the

1 local law enforcement agency having jurisdiction and update the information
2 in the registration file.

3 (B) If the sex offender is not already registered, the
4 local law enforcement agency having jurisdiction shall register the sex
5 offender in accordance with this subchapter.

6
7 SECTION 5. Arkansas Code § 12-12-908(b)(20) through (22), concerning
8 the information contained in a sex offender's registration file, are amended
9 to read as follows:

10 (20) All email addresses used by the sex offender;

11 ~~(21) All user names, screen names, or instant message names that~~
12 ~~are used by the sex offender to communicate in real time with another person~~
13 ~~using the Internet; and~~

14 ~~(22)~~(21) Any other information that the center deems necessary,
15 including without limitation:

16 (A) Criminal and corrections records;

17 (B) Nonprivileged personnel records;

18 (C) Treatment and abuse registry records; and

19 (D) Evidentiary genetic markers; and

20 (22) All social media account information.

21

22 SECTION 6. Arkansas Code § 12-12-909 is amended to read as follows:

23 12-12-909. Verification form – Change of address.

24 (a)(1) A ~~person~~ sex offender required to register ~~as a sex offender~~
25 under this subchapter shall verify registration in person every six (6)
26 months after the ~~person's~~ sex offender's initial registration date during the
27 period of time in which the ~~person~~ sex offender is required to register.

28 (2)(A)(i) The verification shall be done in person at a local
29 law enforcement agency having jurisdiction at which time the ~~person~~ sex
30 offender shall sign and date a Sex Offender Acknowledgment Form ~~in which~~ and
31 a law enforcement officer shall also witness and sign the Sex Offender
32 Acknowledgment Form.

33 (ii) The Sex Offender Acknowledgment Form shall
34 state the date of verification as well as a date ~~certain~~ that the ~~person~~ sex
35 offender is required to return in person to a specific local law enforcement
36 agency having jurisdiction to verify his or her address.

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

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

5 (3) If the ~~person~~ sex offender lives in a jurisdiction that does
6 not have a local law enforcement agency having jurisdiction that is able to
7 electronically file the verification, the verification shall be done by
8 certified mail in the following manner:

9 (A) The center shall mail a nonforwardable verification
10 form to the last reported address of the ~~person~~ sex offender by certified
11 mail;

12 (B)(i) The ~~person~~ sex offender shall return the
13 verification form in person to the local law enforcement agency having
14 jurisdiction within ten (10) days after receipt of the verification form.

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

18 (C) The verification form shall be signed by the ~~person~~
19 sex offender and state that the ~~person~~ sex offender still resides at the
20 address last reported to the center; and

21 (D) If the ~~person~~ sex offender fails to return the
22 verification form to the local law enforcement agency having jurisdiction in
23 person within ten (10) days after receipt of the verification form, the
24 ~~person~~ sex offender is in violation of this subchapter.

25 (4) If the ~~person~~ sex offender changes his or her address
26 without notice or fails to return the verification form if he or she is
27 allowed to do so by mail, notification shall be sent to law enforcement and
28 supervising parole or probation authorities, and notice may be posted on the
29 Internet until proper reporting is again established or the ~~person~~ sex
30 offender is incarcerated.

31 (5) Subdivision (a)(1) of this section applies to a ~~person~~ sex
32 offender required to register as a sexually dangerous person, except that the
33 sexually dangerous person shall verify the registration in person every
34 ninety (90) days after the date of the initial release or commencement of
35 parole.

36 (6) Subdivision (a)(1) of this section applies to a ~~person~~ sex

1 offender required to register ~~as a sex offender~~ under this subchapter who
2 claims to be homeless except that ~~a person required to register as a sex~~
3 offender claiming to be homeless shall verify the registration in person
4 every thirty (30) days during the period of time in which the ~~person sex~~
5 offender is required to register ~~as a sex offender~~ under this subchapter and
6 claims to be homeless.

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

11 (B) The sex offender shall report to the local law
12 enforcement agency having jurisdiction of the new address in person within
13 three (3) days after relocating to the new address.

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

17 (D) Other than a change of address as provided in
18 subdivision (b)(1)(A) of this section, a sex offender shall report a change
19 of any other information required to be reported at registration under § 12-
20 12-908 or required to be reported at the time of verification under § 12-12-
21 906 to the local law enforcement agency having jurisdiction in person within
22 ten (10) days of the change.

23 (2) When a change of address within the state is reported to the
24 center, the center shall immediately report the change of address to the
25 local law enforcement agency having jurisdiction where the sex offender
26 expects to reside.

27 (c)(1) Before a change of address to another state, a sex offender
28 shall register the new address with the local law enforcement agency having
29 jurisdiction in person and with a designated law enforcement agency in the
30 state to which the sex offender moves in person not later than ten (10) days
31 before the sex offender establishes residence or is temporarily domiciled in
32 the new state if the new state has a registration requirement.

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

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

3
4 SECTION 7. Arkansas Code § 12-12-912 is amended to read as follows:
5 12-12-912. Arrests for violations.

6 (a) In order for a sex offender to be charged with the commission of a
7 violation of this subchapter so that an arrest warrant may be issued, the
8 local law enforcement agency having jurisdiction shall notify the prosecutor
9 when the local law enforcement agency having jurisdiction has reasonable
10 grounds for believing that a sex offender is not registered, has not reported
11 a change of address or change of any other information required to be
12 provided by the sex offender, or has not verified the sex offender's address
13 in violation of this subchapter.

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

17 (c) A law enforcement officer shall arrest a sex offender when a
18 warrant has been issued for the sex offender's arrest, the law enforcement
19 officer has probable cause to believe that a sex offender has committed an
20 offense under this subchapter, or the law enforcement officer has reasonable
21 grounds for believing that a sex offender is not registered or has not
22 reported a change of address or change of any other information required to
23 be provided by the sex offender in violation of this subchapter.

24
25 SECTION 8. Arkansas Code § 12-12-913(j), concerning Community
26 Notification Assessment information that is disclosed to the public, is
27 amended to read as follows:

28 (j)(1)(A) The following information concerning a ~~registered~~ sex
29 offender registered under this subchapter who is classified as a Level 3 or
30 Level 4 offender by the Community Notification Assessment shall be made
31 public:

32 (i) The sex offender's complete name, as well as any
33 alias;

34 (ii) The sex offender's date of birth;

35 (iii) Any sex offense to which the sex offender has
36 pleaded guilty or nolo contendere or of which the sex offender has been found

1 guilty by a court of competent jurisdiction;

2 (iv) The street name and block number, county, city,
3 and zip code where the sex offender resides;

4 (v) The sex offender's race and gender;

5 (vi) The date of the last address verification of
6 the sex offender provided to the Arkansas Crime Information Center;

7 (vii) The most recent photograph of the sex offender
8 that has been submitted to the center;

9 (viii) The sex offender's parole or probation
10 office;

11 (ix) The street name and block number, county, city,
12 and zip code where the sex offender is employed;

13 (x) Any institution of higher education in which the
14 sex offender is enrolled; ~~and~~

15 (xi) The vehicle identification number and license
16 plate number of any vehicle the sex offender owns or operates; and

17 (xii) A physical description of the sex offender.

18 (B) If a ~~registered~~ sex offender registered under this
19 subchapter was eighteen (18) years of age or older at the time of the
20 commission of the sex offense that required registration under this
21 subchapter and the victim of the sex offense was fourteen (14) years of age
22 or younger and the ~~registered~~ sex offender is classified as a Level 2
23 offender by the Community Notification Assessment, the following information
24 concerning the registered sex offender shall be made public:

25 (i) The ~~registered~~ sex offender's complete name, as
26 well as any alias;

27 (ii) The ~~registered~~ sex offender's date of birth;

28 (iii) Any sex offense to which the ~~registered~~ sex
29 offender has pleaded guilty or nolo contendere or of which the ~~registered~~ sex
30 offender has been found guilty by a court of competent jurisdiction;

31 (iv) The street name and block number, county, city,
32 and zip code where the ~~registered~~ sex offender resides;

33 (v) The ~~registered~~ sex offender's race and gender;

34 (vi) The date of the last address verification of
35 the ~~registered~~ sex offender provided to the center;

36 (vii) The most recent photograph of the ~~registered~~

1 sex offender that has been submitted to the center;

2 (viii) The ~~registered~~ sex offender's parole or
3 probation office;

4 (ix) The street name and block number, county, city,
5 and zip code where the sex offender is employed;

6 (x) Any institution of higher education in which the
7 sex offender is enrolled; ~~and~~

8 (xi) The vehicle identification number and license
9 plate number of any vehicle the sex offender owns or operates; and

10 (xii) A physical description of the sex offender.

11 (C) The center shall prepare and place the information
12 described in subdivisions (j)(1)(A) and (B) of this section on the Internet
13 home page of the State of Arkansas.

14 (2) The center may promulgate any rules necessary to implement
15 and administer this subsection.

16
17 SECTION 9. Arkansas Code § 12-12-913(k), concerning the posting of a
18 sex offender's fact sheet on the internet, is amended to read as follows:

19 (k) ~~Nothing in this subchapter shall~~ This subchapter shall not be
20 interpreted to prohibit the posting on the Internet or by other appropriate
21 means of offender fact sheets or the physical description of the sex offender
22 for those sex offenders who are determined to be:

23 (1) High-risk or sexually dangerous persons, risk Level 3 and
24 Level 4; or

25 (2) In noncompliance with the requirements of registration under
26 rules and regulations promulgated by the Sex Offender Assessment Committee.

27
28 SECTION 10. Arkansas Code § 12-12-925 is amended to read as follows:
29 12-12-925. Travel outside of the United States.

30 (a) A ~~person~~ sex offender who is required to register ~~as a sex~~
31 ~~offender~~ under this subchapter must report in person at least twenty-one (21)
32 days before traveling outside of the United States to the local law
33 enforcement agency having jurisdiction that he or she intends to travel
34 outside of the United States.

35 (b) The ~~person~~ sex offender making the report in-person under this
36 section must also report in person to the local law enforcement agency having

1 jurisdiction:

2 (1) The dates of travel; and

3 (2) The foreign country, colony, territory, or possessions that
4 the ~~person~~ sex offender will visit.

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

8 (2) Upon receiving information from a local law enforcement
9 agency having jurisdiction under this section, the center shall immediately
10 report the information to the National Sex Offender Public Website and to the
11 United States Marshals Service.

12

13 /s/Shepherd

14

15

16 **APPROVED: 04/05/2017**

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