

Hall of the House of Representatives

86th General Assembly - Regular Session, 2007

Amendment Form

Subtitle of House Bill No. 2309

"TO PROTECT PUBLIC HEALTH AND TO CREATE THE METHAMPHETAMINE
OFFENDER REGISTRATION ACT OF 2007."

Amendment No. 1 to House Bill No. 2309.

Amend House Bill No. 2309 as originally introduced:

Delete everything after the enacting clause and substitute the following:

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

SUBCHAPTER 18 – METHAMPHETAMINE OFFENDER REGISTRATION ACT OF 2007

12-12-1801. Title.

This subchapter shall be known and may be cited as the "Methamphetamine Offender Registration Act of 2007".

12-12-1802. Legislative findings.

The General Assembly finds that:

(1) Methamphetamine offenders pose a high risk of exposing the citizens of this state to dangerous chemicals, fires, and explosions;

(2) Protecting the public from methamphetamine offenders is a primary governmental interest;

(3) The privacy interest of methamphetamine offenders is less important than the government's interest in public safety; and

(4) The release of certain information about methamphetamine offenders to criminal justice agencies and the general public will assist in protecting the public safety.

12-12-1803. Definitions.

As used in this subchapter:

(1) "Adjudication of guilt" means a:

(A) Plea of guilty;

(B) Plea of nolo contendere;

(C) Negotiated plea;

(D) Finding of guilt by a judge; or

(E) Finding of guilt by a jury;

(2)(A) "Administration of criminal justice" means performing



functions of investigation, apprehension, detention, prosecution, adjudication, correctional supervision, or rehabilitation of accused persons or criminal offenders.

(B) "Administration of criminal justice" also includes criminal identification activities and the collection, maintenance, and dissemination of criminal justice information;

(3) "Change of address" means a change of residence or a change for more than thirty (30) days of temporary domicile, change of location of employment, education or training, or any other change that alters where a methamphetamine offender regularly spends a substantial amount of time;

(4) "Criminal justice agency" means a government agency or any subunit of a government agency that is authorized by law to perform the administration of criminal justice and which allocates more than one-half (1/2) of its annual budget to the administration of criminal justice;

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

(A) Chief law enforcement officer of the municipality in which a methamphetamine offender:

(i) Resides or expects to reside;

(ii) Is employed; or

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

(B) County sheriff, if:

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

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

(6) "Methamphetamine offender" means a person who is adjudicated guilty of a methamphetamine offense or acquitted on the grounds of mental disease or defect of a methamphetamine offense;

(7)(A) "Methamphetamine offense" includes without limitation:

(i) The following offenses:

(a) Manufacture of methamphetamine, § 5-64-401(a)(1); and

(b) Possession of drug paraphernalia with the intent to manufacture methamphetamine, § 5-64-403(c)(5);

(ii) An attempt, solicitation, or conspiracy to commit any of the offenses enumerated in subdivision (7)(A)(i) of this section; and

(iii) An adjudication of guilt for an offense of the law of another state, for a federal offense, for a tribal court offense, or for a military offense:

(a) Which is similar to any of the offenses enumerated in subdivision (7)(A)(i) of this section; or

(b) When that adjudication of guilt requires registration under another state's methamphetamine offender registration laws; and

(iv) A violation of any former law of this state that is substantially equivalent to any of the offenses enumerated in this subdivision (7)(A)(i) of this section.

(B)(i) The sentencing court has the authority to order the

registration of any methamphetamine offender shown in court to have attempted to commit or to have committed a methamphetamine offense even though the offense is not enumerated in subdivision (7)(A)(i) of this section.

(ii) The authority in subdivision (7)(A)(i) of this section applies to methamphetamine offenses enacted, renamed, or amended at a later date by the General Assembly unless the General Assembly expresses its intent not to consider the offense to be a true methamphetamine offense for the purposes of this subchapter;

(8)(A) "Residency" means the place where a person lives notwithstanding that there may be an intent to move or return at some future date to another place.

(B) "Residency" also includes place of employment, training, or education; and

(9) "Sentencing court" means the judge of the court that sentenced the methamphetamine offender for the methamphetamine offense.

12-12-1804. Failure to comply with registration and reporting requirements - Refusal to cooperate with assessment process.

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

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

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

(B)(i) Upon conviction, a methamphetamine offender who fails or refuses to provide any information necessary to update his or her registration file as required by § 12-12-1806 is guilty of a Class C felony.

(ii) If a methamphetamine offender fails or refuses to provide any information necessary to update his or her registration file as required by § 12-12-1806, as soon as administratively feasible the Department of Correction, the Department of Community Correction, the Arkansas State Hospital, or the Department of Health and Human Services shall contact the local law enforcement agency having jurisdiction to report the violation of subdivision (a)(1)(B)(i) of this section.

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

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

(i) An eviction;

(ii) A natural disaster; or

(iii) Any other unforeseen circumstance; and

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

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

12-12-1805. Applicability.

(a) The registration requirements of this subchapter apply to a person who:

(1) Is adjudicated guilty on or after July 1, 2009, of a

methamphetamine offense;

(2) Is serving a sentence of incarceration, probation, parole, or other form of community correction supervision as a result of an adjudication of guilt on or after July 1, 2009, for a methamphetamine offense;

(3) Is acquitted on or after July 1, 2009, on the grounds of mental disease or defect for a methamphetamine offense; or

(4) Is serving a commitment as a result of an acquittal on or after July 1, 2009, on the grounds of mental disease or defect for a methamphetamine offense.

(b) A person who has been adjudicated guilty of a methamphetamine offense and whose record of conviction will be expunged under the provisions of §§ 16-93-301 - 16-93-303 is not relieved of the duty to register under this subchapter.

(c)(1) If the underlying conviction of a person required to register under this subchapter is reversed, vacated, or set aside, or if the person required to register under this subchapter is pardoned, the person is relieved from the duty to register under this subchapter.

(2) The duty to register under this subchapter shall cease upon the receipt and verification by the Arkansas Crime Information Center of documentation from the:

(A) Sentencing court verifying the fact that the conviction has been reversed, vacated, or set aside; or

(B) Office of the Governor that the Governor has pardoned the person required to register under this subchapter.

12-12-1806. Duty to register generally - Review of requirements with offenders.

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

(ii) If the sentencing court finds the defendant is required to register as a methamphetamine offender, then at the time of adjudication of guilt the sentencing court shall require the methamphetamine offender to complete the methamphetamine offender registration form prepared by the Director of the Arkansas Crime Information Center pursuant to § 12-12-1808 and shall forward the completed methamphetamine offender registration form to the Arkansas Crime Information Center.

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

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

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

(ii) If the Department of Community Correction

cannot confirm that the methamphetamine offender has completed the methamphetamine offender registration form, the Department of Community Correction shall require the methamphetamine offender to complete the methamphetamine offender registration form upon intake, release, or discharge.

(D)(i) The Arkansas State Hospital shall ensure that the methamphetamine offender registration form has been completed for any methamphetamine offender found not guilty by reason of mental disease or defect.

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

(2)(A) A methamphetamine offender moving to or returning to this state from another jurisdiction shall register with the local law enforcement agency having jurisdiction within ten (10) days after the methamphetamine offender establishes residency in a municipality or county of this state.

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

(ii) A nonresident worker or student who enters the state for sixty (60) or more consecutive days to work or study or who enters the state for an aggregate of ninety (90) days or more a year shall register with the local law enforcement agency having jurisdiction.

(C) A methamphetamine offender sentenced and required to register outside of Arkansas shall:

(i) Provide a deoxyribonucleic acid (DNA) sample, that is, a blood sample or saliva sample, if a sample is not already accessible to the State Crime Laboratory; and

(ii) Pay the mandatory fee of two hundred fifty dollars (\$250) to be deposited into the DNA Detection Fund established by § 12-12-1119.

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

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

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

(i) Inform the methamphetamine offender of the duty to register and obtain the information required for registration as described in § 12-12-1808;

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

(iii) Inform the methamphetamine offender that if the methamphetamine offender changes residency to another state or enters another state to work or attend school, the methamphetamine offender shall register the new address, place of employment, education, higher education, or training with the center not later than five (5) business days after the methamphetamine offender establishes residence or is temporarily domiciled in the new state;

(iv) Obtain fingerprints and a photograph of the methamphetamine offender if these have not already been obtained in connection with the offense that triggered registration;

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

(vi) Require the methamphetamine offender to complete the entire registration process, including without limitation, requiring the methamphetamine offender to read and sign a form stating that the duty of the methamphetamine offender to register under this subchapter has been explained;

(vii) Inform the methamphetamine offender that if the methamphetamine offender's address changes within the state or to another state due to an eviction, natural disaster, or any other unforeseen circumstance, the methamphetamine offender shall give the new address to the center in writing no later than five (5) business days after the methamphetamine offender establishes residency; and

(viii) Inform a methamphetamine offender who has been granted probation that failure to comply with the provisions of this subchapter may be grounds for revocation of the methamphetamine offender's probation.

(B)(i) Any person required to register as a methamphetamine offender shall provide a deoxyribonucleic acid (DNA) sample, that is, a blood sample or saliva sample, upon registering if a sample has not already been provided to the State Crime Laboratory.

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

(2) When updating the registration file of a methamphetamine offender, the Department of Correction, the Department of Community Correction, the Arkansas State Hospital, or the Department of Health and Human Services shall:

(A) Review with the methamphetamine offender the duty to

register and obtain current information required for registration as described in § 12-12-1808;

(B) Review with the methamphetamine offender the requirement that if the methamphetamine offender changes address within the state, the methamphetamine offender shall give the new address to the center in writing no later than ten (10) days before the methamphetamine offender establishes residency or is temporarily domiciled at the new address;

(C) Review with the methamphetamine offender the requirement that if the methamphetamine offender changes address to another state, the methamphetamine offender shall register the new address with the center not later than five (5) business days after the methamphetamine offender establishes residence or is temporarily domiciled in the new state;

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

(E) Inform the methamphetamine offender that if the methamphetamine offender's address changes within the state or to another state due to an eviction, natural disaster, or any other unforeseen circumstance, the methamphetamine offender shall give the new address to the center in writing no later than five (5) business days after the methamphetamine offender establishes residency; and

(E) Review with the methamphetamine offender the consequences of failure to provide any information required by subdivision (b)(2) of this section.

(d) Any methamphetamine offender working, enrolled, or volunteering in a public or private elementary, secondary or postsecondary school, or institution of training shall notify the center of that status and shall register with the local law enforcement agency having jurisdiction over the campus of the school that the methamphetamine offender is working at, enrolled in, or volunteering in.

(e)(1) A person required to register pursuant to this subchapter shall not change his or her name unless the change is:

(A) Incident to a change in the marital status of the methamphetamine offender; or

(B) Necessary to effect the exercise of the religion of the methamphetamine offender.

(2) The change in the methamphetamine offender's name shall be reported to the Director of the Arkansas Crime Information Center within ten (10) calendar days after the change in name.

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

12-12-1807. Report to Arkansas Crime Information Center - Report to law enforcement agency.

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

(2) The center shall immediately enter the information into its record system for maintenance in a central registry and notify the local law

enforcement agency having jurisdiction.

(b)(1)(A) No later than ten (10) days after release from incarceration or after the date of sentencing, a methamphetamine offender shall report to the local law enforcement agency having jurisdiction and update the information in the registration file.

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

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

12-12-1808. Registration format - Requirements.

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

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

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

(2) Date of birth;

(3) Gender;

(4) Race;

(5) Height;

(6) Weight;

(7) Hair and eye color;

(8) Address of any temporary residence;

(9) Anticipated address of legal residence;

(10) Driver's license number or state identification number, if available;

(11) Social security number;

(12) Place of employment, education, or training;

(13) Photograph, if not already obtained;

(14) Fingerprints, if not already obtained;

(15) Date of arrest, arresting agency, offense for which convicted or acquitted, and arrest tracking number for each adjudication of guilt or acquittal on the grounds of mental disease or defect;

(16) A brief description of the crime or crimes for which registration is required;

(17) The registration status of the person as a methamphetamine offender;

(18) A statement in writing signed by the methamphetamine offender acknowledging that the methamphetamine offender has been advised of the duty to register imposed by this subchapter; and

(19) Any other information that the center deems necessary, including without limitation:

- (A) Criminal and corrections records;
- (B) Nonprivileged personnel records;
- (C) Treatment and abuse registry records; and
- (D) Evidentiary genetic markers.

(c) Certain information such as a social security number, a driver's license number, an employer, information that may lead to identification of the victim, and other similar information may be excluded from the information that is released during the course of notification.

12-12-1809. Verification form - Change of address.

(a)(1) For a person required to register as a methamphetamine offender, every six (6) months after the methamphetamine offender's initial registration date during the period in which the person is required to register, the following applies:

(A) The Arkansas Crime Information Center shall mail a nonforwardable verification form to the last reported address of the methamphetamine offender by certified mail;

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

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

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

(D) If the methamphetamine offender fails to return the verification form to the local law enforcement agency having jurisdiction within ten (10) days after receipt of the form, the methamphetamine offender shall be in violation of this subchapter.

(2) If the methamphetamine offender changes address without notice or fails to return the verification of residence, notification will be sent to law enforcement and any supervising parole or probation authority, and notice may be posted on the Internet until proper reporting is again established or the methamphetamine offender is incarcerated.

(b)(1) Before a change of address within the state, a methamphetamine offender shall report the change of address to the center no later than ten (10) days before the methamphetamine offender establishes residency or is temporarily domiciled at the new address.

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

(c)(1) Before a change of address to another state, a methamphetamine offender shall register the new address with the center and with a designated law enforcement agency in the state to which the methamphetamine offender moves not later than ten (10) days before the methamphetamine offender establishes residence or is temporarily domiciled in the new state if the new state has a registration requirement.

(2) When a change of address to another state is reported to the center, the center shall immediately notify the law enforcement agency with which the methamphetamine offender must register in the new state if the new

state has a registration requirement.

(d) The center may require a methamphetamine offender to report a change of address through the local law enforcement agency having jurisdiction.

12-12-1810. Fine.

(a) Unless finding that undue hardship would result, the sentencing court shall assess at the time of sentencing a mandatory fine of two hundred fifty dollars (\$250) on any person who is required to register under this subchapter.

(b) The fine provided in subsection (a) of this section and collected in circuit court, district court, or city court, shall be remitted by the tenth day of each month to the Administration of Justice Fund Section of the Office of Administrative Services of the Department of Finance and Administration on a form provided by that office for deposit as special revenues into the State Treasury to the credit of the Methamphetamine Offenders Registration Fund as established by § 12-12-1811.

12-12-1811. Methamphetamine Offenders Registration Fund.

(a) There is established on the books of the Treasurer of State, the Auditor of State, and the Chief Fiscal Officer of the State a fund to be known as the "Methamphetamine Offenders Registration Fund".

(b)(1) This fund shall consist of special revenues collected pursuant to § 12-12-1810, there to be used equally by the Arkansas Crime Information Center and the Department of Correction for the administration of this subchapter.

(2) Any unexpended balance of this fund shall be carried forward and made available for the same purpose.

12-12-1812. Arrests for violations.

(a) In order for a methamphetamine offender to be charged with the commission of a violation of this subchapter so that an arrest warrant shall be issued, the local law enforcement agency having jurisdiction shall notify the prosecutor when the local law enforcement agency having jurisdiction has reasonable grounds for believing that a methamphetamine offender is not registered, has not reported a change of address, or has not verified the methamphetamine offender's address in violation of this subchapter.

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

(c) A law enforcement officer shall arrest a methamphetamine offender when a warrant has been issued for the methamphetamine offender's arrest or the law enforcement officer has reasonable grounds for believing that a methamphetamine offender is not registered or has not reported a change of address in violation of this subchapter.

12-12-1813. Disclosure.

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

(2) Registration records may also be open to government agencies

authorized by law to conduct confidential background checks.

(b) In accordance with rules promulgated by the Methamphetamine Offender Registration Committee, local law enforcement agencies having jurisdiction shall disclose relevant and necessary information regarding methamphetamine offenders to the public when the disclosure of such information is necessary for public protection.

(c)(1)(A) The Methamphetamine Offender Registration Committee shall promulgate rules to establish guidelines and procedures for the disclosure of relevant and necessary information regarding methamphetamine offenders to the public when the release of the information is necessary for public protection.

(B) In developing the guidelines and procedures, the Methamphetamine Offender Registration Committee shall consult with persons who, by experience or training, have a personal interest or professional expertise in law enforcement, crime prevention, victim advocacy, criminology, psychology, parole, public education, and community relations.

(2)(A) The guidelines and procedures shall identify factors relevant to a methamphetamine offender's future dangerousness and likelihood of reoffense or threat to the community.

(B) The guidelines and procedures shall also address the extent of the information to be disclosed and the scope of the community to whom disclosure shall be made as these factors relate to the:

(i) Level of the methamphetamine offender's dangerousness;

(ii) Methamphetamine offender's pattern of offending behavior; and

(iii) Need of community members for information to enhance their individual and collective safety.

(3) The Methamphetamine Offender Registration Committee shall submit the proposed guidelines and procedures to the House Committee on Public Health, Welfare, and Labor and the Senate Committee on Public Health, Welfare, and Labor for their review and shall report to the House Committee on Public Health, Welfare, and Labor and the Senate Committee on Public Health, Welfare, and Labor every six (6) months on the implementation of this section.

(d)(1) A local law enforcement agency having jurisdiction that decides to disclose information pursuant to this section shall make a good faith effort to notify the public and residents in its jurisdiction at least fourteen (14) days before a methamphetamine offender is released or placed into its jurisdiction.

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

(3) In conjunction with the notice provided under § 12-12-1814, the Department of Correction and the Department of Health and Human Services shall make available to a local law enforcement agency having jurisdiction all information that the Department of Correction and the Department of Health and Human Services have concerning the methamphetamine offender, including information on risk factors in the methamphetamine offender's history.

(e) A local law enforcement agency having jurisdiction may continue to disclose information on a methamphetamine offender under this section for as

long as the methamphetamine offender is required to be registered under this subchapter.

(f)(1) The State Board of Education, the Arkansas Higher Education Coordinating Board, and the State Board of Workforce Education and Career Opportunities shall promulgate rules for the disclosure to students and parents of information regarding a methamphetamine offender when such information is released to a local school district or institution of higher education or vocational training by a local law enforcement agency having jurisdiction.

(2) In accordance with rules promulgated by the State Board of Education, the board of directors of a local school district or institution of higher education or vocational training shall adopt a written policy regarding the distribution to students and parents of information regarding a methamphetamine offender.

(g) Nothing in this section shall prevent a law enforcement officer from notifying members of the public about a person who may pose a danger to the public for a reason that is not enumerated in this subchapter.

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

(i)(1)(A) The following information concerning a methamphetamine offender shall be made public:

(i) The methamphetamine offender's complete name, as well as any aliases;

(ii) The methamphetamine offender's date of birth;

(iii) Any methamphetamine offense to which the methamphetamine offender has pleaded guilty or nolo contendere to or of which the methamphetamine offender has been found guilty by a court of competent jurisdiction;

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

(v) The methamphetamine offender's race and gender;

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

(vii) The most recent photograph of the methamphetamine offender that has been submitted to the center; and

(viii) The methamphetamine offender's parole or probation office.

(B) The center shall prepare and place the information in subdivision (i)(1)(A) of this section on the Internet home page of the State of Arkansas.

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

(j) Nothing in this subchapter shall be interpreted to prohibit the posting on the Internet or by other appropriate means of offender fact sheets for those methamphetamine offenders who are determined to be in noncompliance with the requirements of registration under rules and regulations promulgated by the Methamphetamine Offender Registration Committee.

12-12-1814. Notice of release.

(a)(1) The Department of Correction shall provide notice by written or

electronic means to the Arkansas Crime Information Center of the anticipated release from incarceration in a county or state correctional institution of a person serving a sentence for a methamphetamine offense.

(2) The Department of Health and Human Services shall provide notice by written or electronic means to the center of the anticipated release from incarceration of a person committed following an acquittal on the grounds of mental disease or defect for a methamphetamine offense.

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

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

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

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

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

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

12-12-1815. Authority - Rules.

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

(1) Notifying a methamphetamine offender of the obligation to register pursuant to this subchapter; and

(2) Registering a methamphetamine offender.

12-12-1816. Publication and notice of obligation to register.

The Office of Driver Services shall provide notice of the obligation to register pursuant to this subchapter in connection with each driver's license issued pursuant to § 27-16-801 and each identification card issued pursuant to § 27-16-805.

12-12-1817. Termination of obligation to register.

(a)(1)(A) A methamphetamine offender required to register under this subchapter may make application for an order terminating the obligation to register to the sentencing court fifteen (15) years after release from incarceration or other institution or fifteen (15) years after having been placed on probation or any other form of community correction supervision by the sentencing court.

(B) A methamphetamine offender sentenced in another state but desiring to permanently reside in Arkansas may make an application under subdivision (a)(1)(A) of this section for an order terminating the obligation to register to the court of the county in which the methamphetamine offender resides.

(2)(A) The court shall hold a hearing on the application at which the applicant and any interested persons may present witnesses and other evidence.

(B) No less than twenty (20) days prior to the date of the hearing on the application, a copy of the application for termination of the

obligation to register shall be served on the prosecutor of the county in which the adjudication of guilt triggering registration was obtained.

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

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

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

12-12-1818. Immunity from civil liability.

(a) A public official, public employee, or public agency is immune from civil liability for good faith conduct under this subchapter.

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

(c) This section also applies to a person or organization assisting a public official, public employee, or public agency in performing official duties upon a written request to assist by the public official, public employee, or public agency.

12-12-1819. Methamphetamine Offender Registration Committee.

(a) The Methamphetamine Offender Registration Committee shall consist of eight (8) members as follows:

(1) The Governor shall appoint, subject to confirmation by the Senate:

(A) One (1) member who is a criminal defense attorney;

(B) One (1) member who is a prosecuting attorney;

(C) One (1) member who is a licensed mental health professional and has demonstrated expertise in the treatment of methamphetamine offenders;

(D) One (1) member who is a law enforcement officer; and

(E) One (1) member with expertise in juvenile justice or treatment;

(2) The Director of the Department of Correction or the director's designee;

(3) The Director of the Department of Community Correction or the director's designee; and

(4) The Director of the Arkansas Crime Information Center or the director's designee.

(b)(1) Members appointed by the Governor shall be for four-year staggered terms to be assigned by lot at the first meeting.

(2) If a vacancy of one (1) of the members appointed by the Governor occurs for any reason other than expiration of a regular term, the vacancy shall be filled for the unexpired portion of the term by appointment of the Governor.

(3) A member of the committee appointed by the Governor may be removed by the Governor for neglect of duty or malfeasance in office.

(4) A member shall be considered active unless his or her

resignation has been submitted or requested by the Governor or he or she has more than two (2) unexcused absences from meetings in a twelve-month period and this fact has been reported to the Governor.

(c) The members of the committee shall elect annually a chair and a vice chair from their membership.

(d) The Director of the Department of Correction or the director's designee shall serve as the executive secretary.

(e)(1) A majority of the members of the committee shall constitute a quorum for the transaction of business.

(2) The committee shall meet at least quarterly.

(3) A special meeting may be called by the chair or as provided by the rules adopted by the committee.

(f) The executive secretary of the committee shall keep full and true records of all committee proceedings and preserve all books, documents, and papers relating to the business of the committee.

(g) The meetings of the committee shall be open to the public except when the committee is discussing, deliberating, or voting on an individual methamphetamine offender case.

(h)(1) The committee shall report in writing to the Governor and to the Legislative Council by July 31 of each year.

(2) The report shall contain:

(A) A summary of the proceedings of the committee during the preceding fiscal year;

(B) A detailed and itemized statement of all revenue and of all expenditures made by or on behalf of the committee;

(C) Other information deemed necessary or useful; and

(D) Any additional information that may be requested by the Governor and the Legislative Council.

SECTION 2. Effective date. This act is effective on July 1, 2009."

The Amendment was read _____
By: Representative Allen
GRH/YTC - 03-15-2007 12:42
GRH294 _____
Chief Clerk