



*Arkansas
Sentencing
Commission*

**Impact Assessment for HB1385
Sponsored by Representative Lemons**

Subtitle TO BE KNOWN AS “SHANNON’S LAW”; AND CONCERNING THE POSSESSION AND SALE OF BLUE LIGHTS AND LAW ENFORCEMENT INSIGNIA.

Impact Summary¹ Minimal, affecting fewer than ten offenders per year.

Change from current law² Amends Arkansas Code Annotated § 5-77-201, Unlawful possession, purchase, sale or transfer of a blue light or blue lens cap, to expand the scope and penalty of the statute. Under current law, it is unlawful to sell or transfer a blue light or blue lens cap to any person other than a law enforcement officer or county coroner and unlawful to buy a blue light or blue lens cap unless the purchaser is a law enforcement officer or county coroner. Under the proposed bill, it is unlawful for a person to knowingly (1) possess or purchase a blue light or blue lens cap unless that person is a law enforcement officer, auxiliary law enforcement officer, county coroner, or legitimate seller of blue lights or blue lens caps, (2) sell or transfer a blue light or blue lens cap to another person who is not a law enforcement officer, auxiliary law enforcement officer, county coroner, or legitimate seller of blue lights or blue lens caps. The proposed bill also raises the penalty for a violation of A.C.A. § 5-77-201 from a Class D felony to a Class C felony.

Amends A.C.A. § 5-77-202, Law enforcement insignia sales, to raise the penalty from a Class A misdemeanor to a Class D felony, allow for a currently appointed auxiliary law enforcement officer to lawfully purchase insignia, and add a requirement that a law enforcement officer lawfully purchasing insignia be *currently* employed as a law enforcement officer.

Impact Information

The Arkansas Department of Correction reports that as of January 30, 2017, there are no inmates serving a sentence for A.C.A. § 5-77-201, Blue light or blue lens caps sales, Class D felony, as currently written. The Administrative Office of the Courts (AOC) reports that from January 1, 2013 to December 31, 2015 there was one (1) conviction for A.C.A. § 5-77-201, Blue light or blue lens caps sales, Class D felony, as currently written. AOC reports that for the same time period, there were no convictions for A.C.A. § 5-77-202, Law enforcement insignia sales, Class A misdemeanor, as currently written. Because of the small number of convictions for the statutes amended by this bill, the projected impact is minimal.

¹ This impact assessment was prepared (2/2/2017, 7:40 a.m.) by the staff of the Arkansas Sentencing Commission pursuant to A. C. A. § 16-90-802(d)(6) with data supplied by the Arkansas Department of Correction and the Administrative Office of the Courts. A micro-simulation model may be used for bills which have the potential for significant impact on correctional resources. The following designations will be used: “minimal” = less than 10 offenders per year will be affected; “medium” = would require budgetary increases for ADC inmate costs; and “major” = would require budgetary increases for ADC inmate costs and construction costs for additional beds.

² Standard punishment ranges:

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