



Arkansas
Sentencing
Commission

**Impact Assessment for HB1687
Sponsored by Representative Tucker**

Subtitle CONCERNING A REGISTERED SEX OFFENDER ON THE CAMPUS OF A PRIVATE SCHOOL.

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

Change from current law² Amends Arkansas Code Annotated § 5-14-132, Registered offender prohibited from entering upon school campus – Exception. Currently, a Level 3 or 4 sex offender is prohibited from knowingly entering the campus of a public school *except* in limited circumstances. Under the proposed bill, a private school is added to the places in which a Level 3 or 4 sex offender is prohibited from entering. A private school is defined as a school offering instruction for a grade in kindergarten through grade twelve (K-12) in this state that is not a public school. The penalty for a violation of A.C.A. § 5-14-132 remains a Class D felony. See attached for a reprint of A.C.A. § 5-14-132, as currently written.

Impact Information

This proposed bill creates a new course of conduct by which an offender commits this offense. However, due to the small number of offenders incarcerated for similar conduct, the projected impact is minimal. The following numbers are for informational purposes only.

Arkansas Crime Information Center (ACIC) reports the following as of December 27, 2016: There are 5,111 Level 3 sex offenders on the Arkansas Sex Offender Registry. There are 404 Level 4 sex offenders on the Arkansas Sex Offender Registry. This would serve as the potential pool of offenders under the proposed bill.

The Arkansas Department of Correction (ADC) reports that as of January 5, 2017 there are six (6) inmates serving a sentence for A.C.A. § 5-14-132, Registered offender prohibited from entering upon school campus – Exception, Class D felony, as currently written. Two (2) of these offenders are serving a sentence where A.C.A. § 5-14-132 is their most serious offense.

The Arkansas Nonpublic School Accrediting Association (ANSAA) reports 101 member schools in the state of Arkansas, 45 of which are accredited elementary schools, 28 are accredited secondary schools and 28 are associate member schools. Data is not available on the number of private schools that are not accredited by this Association. The ANSAA reports for the 2016-2017 school year, there were 19,490 students enrolled at schools accredited or in the process of being accredited by this Association.

¹ This impact assessment was prepared (3/1/2017, 12:28 p.m.) by the staff of the Arkansas Sentencing Commission pursuant to A. C. A. § 16-90-802(d)(6) with data supplied by the Arkansas Department of Correction and the Administrative Office of the Courts. A micro-simulation model may be used for bills which have the potential for significant impact on correctional resources. The following designations will be used: “minimal” = less than 10 offenders per year will be affected; “medium” = would require budgetary increases for ADC inmate costs; and “major” = would require budgetary increases for ADC inmate costs and construction costs for additional beds.

² Standard punishment ranges:

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

A.C.A. § 5-14-132. Registered offender prohibited from entering upon school campus -- Exception.

(a) As used in this section:

(1) "Campus" means the real property, a building, or any other improvement in this state owned, leased, rented, or controlled by or for the operation of a public school; and

(2) "Public school" means any school in this state that is:

(A) A public school operated by a public school district;

(B) A charter school established under the Public School Funding Act of 2003, § 6-20-2301 et seq.;

(C) A state-funded prekindergarten program operated by a public school or an education service cooperative;

(D) The Arkansas School for the Blind;

(E) The Arkansas School for the Deaf;

(F) The Arkansas School for Mathematics, Sciences, and the Arts;

(G) An educational facility of the Division of Youth Services of the Department of Human Services or contracting with the Division of Youth Services; or

(H) An educational facility of the Division of Developmental Disabilities Services of the Department of Human Services.

(b) It is unlawful for a sex offender who is required to register under the Sex Offender Registration Act of 1997, § 12-12-901 et seq., and who has been assessed as a Level 3 or Level 4 offender to knowingly enter upon the campus of a public school.

(c) It is not a violation of this section if the sex offender:

(1) Is less than twenty-two (22) years of age and is a student enrolled in a grade kindergarten through twelve (K-12) program;

(2) Enters upon the campus for the purpose of attending a school-sponsored event for which an admission fee is charged or tickets are sold or distributed, a graduation ceremony, or a baccalaureate ceremony;

(3) Enters upon the campus on a day that is not designated a student contact day by the public school's calendar or on a day in which no school-sponsored event is taking place upon the campus; or

(4) Is the parent or guardian of a student enrolled in a public school and enters upon the campus where the student is enrolled for the purpose of:

(A) Delivering to the student medicine, food, or personal items if the medicine, food, or personal items are delivered directly to the public school's office; or

(B) Attending a scheduled parent-teacher conference if the sex offender is escorted to and from the scheduled parent-teacher conference by a designated public school official or employee.

(d) (1) A sex offender who is the parent or guardian of a student enrolled in a public school and wishes to enter upon the campus where the student is enrolled for any other purpose shall give reasonable notice to the public school principal or his or her designee.

(2) (A) The public school principal or his or her designee may allow the parent or guardian sex offender to enter upon the campus so long as there is a designated public school official or employee available to escort and supervise the parent or guardian sex offender while he or she remains on campus.

(B) If a designated public school official or employee is not available at the time the parent or guardian sex offender wishes to enter upon the campus, the parent or guardian sex offender shall not enter upon the campus until he or she is notified that a designated public school official or employee is available.

(e) Upon conviction, any sex offender who violates this section is guilty of a Class D felony.

HISTORY: Acts 2007, No. 992, § 1; 2009, No. 748, § 15.