



Arkansas
Sentencing
Commission

Impact Assessment for HB1009
Sponsored by Representative Dotson

Subtitle PROHIBITING CERTAIN SEX OFFENDERS FROM ENTERING UPON A SCHOOL CAMPUS.

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 a school campus except in limited circumstances, including when attending a school sponsored event for which an admission fee is charged or tickets are sold or distributed, if the offender has been assessed as a Level 3 offender and is the parent or guardian of or is related by blood or marriage within the *fourth* degree of consanguinity to a student enrolled in the public school. This exception does not apply to Level 4 sex offenders. Note: This impact focuses solely on the section amended by this bill; for a complete reprint of the code provision, see attached.

Under the proposed bill, the level of consanguinity found in this exception is amended. A Level 3 offender may enter the campus for attending a school sponsored event for which an admission fee is charged or tickets are sold or distributed if he or she is a parent or guardian of or is related by blood or marriage within the *second* degree of consanguinity to a student enrolled in the public school.

Impact Information

The proposed bill further restricts the type of sex offender that is prohibited from attending a school-sponsored event for which an admission fee is charged or tickets are sold. Due to the small number of offenders incarcerated for a conviction under the current law, the projected impact is minimal. The following numbers are provided for informational purposes only.

The Arkansas Crime Information Center reports the following as of December 11, 2018: There are 4,975 Level 3 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 reports that 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

¹ This impact assessment was prepared (1/23/2019, 7:21 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 A 6-30 years; up to \$15,000
Class B 5-20 years; up to \$15,000

Class C 3-10 years; up to \$10,000
Class D 0-6 years; up to \$10,000
Unclassified As specified in statute

Misdemeanors
Class A Up to 1 year; up to \$2,500
Class B Up to 90 days; up to \$1,000
Class C Up to 30 days; up to \$500

currently written. Three (3) of these offenders are serving a sentence for which A.C.A. § 5-14-132 is the most serious offense.

The Administrative Office of the Courts reports that for the three year period beginning January 1, 2015 and ending December 31, 2017, there were five (5) convictions for a violation of A.C.A. § 5-14-132, Registered offender prohibited from entering upon school campus – Exception, Class D felony, as currently written.

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;
- (2) "Private school" means a school offering instruction for a grade in kindergarten through grade twelve (K-12) in this state that is not a public school; and
- (3) "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 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;
- (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; or
- (5) Has been assessed as a Level 3 offender and 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 if the sex offender:
 - (A)
 - (i) Is the parent or guardian of or is related by blood or marriage within the fourth degree of consanguinity to a student enrolled in the public school.
 - (ii) The degree of consanguinity is computed under § 28-9-212; and
 - (B) Notifies the administration of the school in writing at least twenty-four (24) hours before the start of the school-sponsored event for which an admission fee is charged or tickets are sold or distributed that he or she will be attending the school-sponsored event for which an admission fee is charged or tickets are sold or distributed.

(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.

(f) 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 private school without:

(1) Notifying the private school; and

(2) Subsequently complying with any terms or conditions the private school requires before the sex offender is permitted to enter onto the campus.

History: Acts 2007, No. 992, § 1; 2009, No. 748, § 15; 2017, No. 267, § 1; 2017, No. 909, §§ 1, 2.