



## ARKANSAS SENTENCING COMMISSION

1302 Pike Avenue, Suite E • North Little Rock, AR 72114  
Phone: (501) 682-5001 • Fax: (501) 682-5018

### Impact Assessment for HB1506 Sponsored by Representative Shepherd

**Subtitle** PROHIBITING THE USE OF A HOAX BOMB.

**Impact Summary**<sup>1</sup> Minimal, affecting fewer than ten offenders per year. While the offense creates a new course of conduct for which the likely number of occurrences cannot be determined, the absence of convictions for the offense as currently written makes it unlikely that the proposed bill will have a significant impact on the correctional resources of the state.

**Change from Current Law**<sup>2</sup> Amends A.C.A. § 5-54-209, Use of a hoax substance, to add an additional course of conduct by which a person can commit the offense. Under the proposed bill, a person commits the offense of Use of a hoax substance *or hoax bomb* if he or she knowingly delivers or causes the delivery of a hoax substance *or a hoax bomb* to a governmental facility, school, business, hospital, office building, or similar facility open to the public, or to a person's home, business, or place of work with the purpose of causing anxiety, unrest, fear, personal discomfort, or the evacuation of the facility. [Added language is indicated in *italics*.]

Under current law, Use of a hoax substance is a Class D felony. Under the proposed bill, Use of a hoax substance *or hoax bomb* is a Class C felony.

The proposed bill also defines hoax bomb and explosive or incendiary device.

**Impact Information** The proposed bill expands the courses of conduct by which a person can commit the criminal offense of Use of a hoax substance *or hoax bomb*, and increases the penalty for the entire criminal provision from a Class D felony to a Class C felony. While data on the likely number of occurrences for the modified offense cannot be determined, the absence of convictions for the offense as currently written makes it unlikely that the proposed bill will have a significant impact on the correctional resources of the state.

The Division of Correction reports no inmates currently serving a term of incarceration for a violation of A.C.A. § 5-54-209, Use of a Hoax Substance, a Class D felony, as currently written.

The Administrative Office of the Courts reports that for the three (3) year period beginning January 1, 2017 and ending December 31, 2019, there were no convictions for a violation of A.C.A. § 5-54-209, Use of a Hoax Substance, a Class D felony, as currently written.

<sup>1</sup> This impact assessment was prepared 2/24/2021 8:00 AM 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 Corrections 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.

<sup>2</sup> 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