

2 State of Arkansas
3 89th General Assembly
4 Regular Session, 2013

A Bill

HOUSE BILL 2054

5
6 By: Representatives Scott, Dotson

7 Filed with: Interim House Committee on Judiciary
8 pursuant to A.C.A. §10-3-217.

9 For An Act To Be Entitled

10 AN ACT TO PROHIBIT A REGISTERED SEX OFFENDER FROM
11 RESIDING WITHIN TWO THOUSAND FEET OF A PRIVATE PARK;
12 AND FOR OTHER PURPOSES.

13 Subtitle

14
15 TO PROHIBIT A REGISTERED SEX OFFENDER
16 FROM RESIDING WITHIN TWO THOUSAND FEET OF
17 A PRIVATE PARK.
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21 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

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23 SECTION 1. Arkansas Code § 5-14-128 is amended to read as follows:

24 5-14-128. Registered offender living near school, public park, private
25 park, youth center, or daycare prohibited.

26 (a) It is unlawful for a sex offender who is required to register
27 under the Sex Offender Registration Act of 1997, § 12-12-901 et seq., and who
28 has been assessed as a Level 3 or Level 4 offender to knowingly reside within
29 two thousand feet (2,000') of the property on which any public or private
30 elementary or secondary school, public park, private park, youth center, or
31 daycare facility is located.

32 (b)(1) It is not a violation of this section if the property on which
33 the sex offender resides is owned and occupied by the sex offender and was
34 purchased prior to the date on which the public or private elementary or
35 secondary school, public park, private park, youth center, or daycare
36 facility was established.

1 (2) The exclusion in subdivision (b)(1) of this section does not
2 apply to a sex offender who pleads guilty or nolo contendere to or is found
3 guilty of another sex offense after the public or private elementary or
4 secondary school, public park, private park, youth center, or daycare
5 facility is established.

6 (c)(1)(A) With respect to a public or private elementary or secondary
7 school or a daycare facility, it is not a violation of this section if the
8 sex offender resides on property he or she owns prior to July 16, 2003.

9 (B) With respect to a public park or youth center, it is
10 not a violation of this section if the sex offender resides on property he or
11 she owns prior to July 31, 2007.

12 (C) With respect to a private park, it is not a violation
13 of this section if the sex offender resides on property he or she owns prior
14 to the effective date of this act.

15 (2)(A) The exclusion in subdivision (c)(1)(A) of this section
16 does not apply to a sex offender who pleads guilty or nolo contendere to or
17 is found guilty of another sex offense after July 16, 2003.

18 (B) The exclusion in subdivision (c)(1)(B) of this section
19 does not apply to a sex offender who pleads guilty or nolo contendere to or
20 is found guilty of another sex offense on or after July 31, 2007.

21 (C) The exclusion in subdivision (c)(1)(C) of this section
22 does not apply to a sex offender who pleads guilty or nolo contendere to or
23 is found guilty of another sex offense on or after the effective date of this
24 act.

25 (d) With respect to a private park, it is not a violation of this
26 section unless:

27 (1) The private park has posted signs at all roadway entrances
28 or footpaths into the private park that contain at a minimum the following
29 information:

30 (A) That the person is entering into a private park; and

31 (B) The name and contact information of the entity that
32 owns or maintains the private park;

33 (2) The entity that owns or maintains the private park petitions
34 the local governing body to designate the private park as a private park for
35 which a person who is required to register under the Sex Offender

1 Registration Act of 1997, § 12-12-901 et seq., is prohibited from living
2 within two thousand feet (2,000') of the private park;

3 (3) The local governing body enacts an ordinance to designate
4 the private park as a private park for which a person required to register
5 under the Sex Offender Registration Act of 1997, § 12-12-901 et seq., is
6 prohibited from living within two thousand feet (2,000') of the private park;
7 and

8 (4) The ordinance enacted under subdivision (d)(3) of this
9 section is in effect.

10 ~~(d) A sex offender who is required to register under the Sex Offender~~
11 ~~Registration Act of 1997, § 12-12-901 et seq., and who knowingly violates a~~
12 ~~provision of this section is guilty of (e) A violation of this section is a~~
13 ~~Class D felony.~~

14 (e)(1) A person who is charged with violating this section shall be
15 ordered as a condition of his or her release from custody not to return to
16 the location where he or she was residing that was located within two
17 thousand feet (2,000') of a public or private elementary or secondary school,
18 public park, private park, youth center, or daycare facility until the charge
19 is adjudicated.

20 (2) The court having jurisdiction over the charge may order that
21 the defendant be allowed to return to his or her residence before the
22 adjudication of the charge if good cause is shown.

23 (f) As used in this section:

24 (1) "Entity" means an organization consisting of at least twenty
25 (20) owners or members and includes without limitation a property owners'
26 association or a homeowners' association;

27 (2) "Local governing body" means:

28 (A) The governing body of the municipality where a private
29 park is located; or

30 (B) If a private park is not located within a
31 municipality, the quorum court of the county where the private park is
32 located;

33 (3) "Private park" means a property owned or maintained by an
34 entity for the recreational use of the entity's owners or members, the
35 public, or both;

1 ~~(1)~~(4) "Public park" means any property owned or maintained by
2 this state or a county, city, or town in this state for the recreational use
3 of the public; and

4 ~~(2)~~(5) "Youth center" means any building, structure, or facility
5 owned or operated by a not-for-profit organization or by this state or a
6 county, city, or town in this state for use by minors to promote the health,
7 safety, or general welfare of the minors.

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10 Referred by the Arkansas House of Representatives

11 Prepared by: BPG/VJF
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