

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

INTERIM STUDY PROPOSAL 2007-231

State of Arkansas
87th General Assembly
Regular Session, 2009

A Bill

PBB/RMW
HOUSE BILL

By: Representative Medley

Filed with: House Committee on Public Health, Welfare and Labor
pursuant to A.C.A. §10-3-217.

For An Act To Be Entitled

AN ACT TO AMEND ARKANSAS CODE § 5-14-128 TO
PROHIBIT SEX OFFENDERS FROM LIVING NEAR SHELTERS
FOR CHILDREN; AND FOR OTHER PURPOSES.

Subtitle

TO PROHIBIT SEX OFFENDERS FROM LIVING
NEAR SHELTERS FOR CHILDREN.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

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

5-14-128. Registered offender living near school, public park, youth center, shelter for children, or daycare prohibited.

(a)(1) 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 reside within two thousand feet (2,000') of the property on which any public or private elementary or secondary school, public park, youth center, shelter for children, or daycare facility is located.

(2) It shall be the duty of the local law enforcement agency to determine that all Level 3 and Level 4 offenders residing within or moving into its jurisdiction are in compliance with this subsection (a).

(b)(1) It is not a violation of this section if the property on which the sex offender resides is owned and occupied by the sex offender and was

1 purchased prior to the date on which the public or private elementary or
2 secondary school, public park, youth center, shelter for children, or daycare
3 facility was established.

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

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

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

15 (C) With respect to a shelter for children, it is not a
16 violation of this section if the sex offender resides on the property he or
17 she owns before the effective date of this act.

18 (2)(A) The exclusion in subdivision (c)(1)(A) 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 after July 16, 2003.

21 (B) The exclusion in subdivision (c)(1)(B) 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 July 31, 2007.

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

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

31 (e) As used in this section:

32 (1) "Shelter for children" means any residential child care
33 facility that:

34 (A) Provides care to children on a time-limited basis; and

35 (B) The Department of Human Services includes in the
36 directory of Arkansas State Licensed Placement Facilities.

1 ~~(1)~~(2) "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)~~(3) "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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