1	INTERIM STUDY PROPOSAL 2013-056
2	State of Arkansas As Engrossed: \$3/28/13
3	89th General Assembly A Bill
4	Regular Session, 2013SENATE BILL 1093
5	
6	By: Senator Elliott
7	By: Representatives H. Wilkins, Love
8	Filed with: Interim Senate Committee on Judiciary
9	pursuant to A.C.A. §10-3-217.
10	For An Act To Be Entitled
11	AN ACT TO REQUIRE THE PREPARATION OF A RACIAL IMPACT
12	STATEMENT FOR CERTAIN BILLS FILED WITH THE SENATE AND
13	HOUSE OF REPRESENTATIVES; AND FOR OTHER PURPOSES.
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16	Subtitle
17	TO REQUIRE THE PREPARATION OF A RACIAL
18	IMPACT STATEMENT FOR CERTAIN BILLS FILED
19	WITH THE SENATE AND HOUSE OF
20	REPRESENTATIVES.
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23	BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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25	SECTION 1. Arkansas Code Title 10, Chapter 2, Subchapter 1 is amended
26	to add an additional section to read as follows:
27	10-2-132. Racial impact statement.
28	(a)(1) A racial impact statement shall be prepared as provided in this
29	section for any bill filed in the Senate or House of Representatives that
30	will:
31	(A) Create a new offense;
32	(B) Significantly change an existing offense;
33 24	(C) Change the penalty for an existing offense; or
34 35	(D) Change existing sentencing, parole, or probation procedures.
ຸ	procedures.

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1	(2) A racial impact statement shall be prepared and filed with
2	the chair of the committee to which the bill is referred before the bill is
3	heard in the committee during a regular, fiscal, or special session of the
4	<u>General Assembly.</u>
5	(3) If a bill requiring a racial impact statement is amended, a
6	revised racial impact statement shall be prepared for the bill.
7	(b)(1)(A) Except as provided in subdivision (b)(1)(B) of this section,
8	the Office of Economic and Tax Policy, with the assistance of the Department
9	of Criminal Justice at the University of Arkansas at Little Rock, shall
10	prepare the racial impact statement required by this section.
11	(B) The Office of Economic and Tax Policy, with the
12	assistance of the Arkansas Coalition for Juvenile Justice and the Department
13	of Criminal Justice at the University of Arkansas at Little Rock, shall
14	prepare a racial impact statement for a bill under subdivision (a)(l) of this
15	section that has an impact on minors.
16	(2) The racial impact statement shall include without
17	limitation:
18	(A) The estimated number of criminal cases per year that
19	the bill will affect;
20	(B) The impact of the bill on a minority as defined in §
21	<u>1-2-503;</u>
22	(C) The impact of the bill upon correctional facilities
23	and services; and
24	(D) Other matters deemed relevant to the bill at issue.
25	<u>(c)(l)(A) If a racial impact statement indicates a disparate impact on</u>
26	a minority as defined in § 1-2-503, the sponsor of the bill shall consider
27	whether the bill may be amended to achieve its purpose with a lessened impact
28	on minorities.
29	(B) If a bill is amended to lessen its impact on
30	minorities the sponsor of the bill shall identify in writing, in the bill and
31	the racial impact statement, the methodology used to lessen the impact on
32	minorities in the amended proposal.
33	(2) If the sponsor of the bill elects not to amend the bill or
34	if the racial impact statement for an amended bill continues to indicate a
35	disparate impact on a minority, the sponsor of the bill shall:
36	(A) Withdraw the bill; or

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I.S.P. 2013-056

1	(B) Identify in writing, in the bill and the racial impact
2	statement, his or her reasoning for proceeding with the bill despite the
3	disparate impact.
4	(d)(l) If a Senate or House bill is called up for final passage in the
5	Senate or House of Representatives and a racial impact statement is required
6	by this section and has not been provided by the author of the bill or by the
7	committee to which the bill was referred, the presiding officer of the Senate
8	or House of Representatives shall cause the bill to be referred for the
9	preparation of a racial impact statement, which shall be filed with the
10	presiding officer at least five (5) days prior to the bill again being called
11	up for final passage.
12	(2) The bill shall not be called back up for final action until
13	a racial impact statement has been filed with the presiding officer.
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15	/s/Elliott
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18	Referred by the Arkansas Senate
19	Prepared by: MBM/VJF
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