

1 INTERIM STUDY PROPOSAL 2013-056

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

As Engrossed: S3/28/13

A Bill

SENATE 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.

For An Act To Be Entitled

10 AN ACT TO REQUIRE THE PREPARATION OF A RACIAL IMPACT
11 STATEMENT FOR CERTAIN BILLS FILED WITH THE SENATE AND
12 HOUSE OF REPRESENTATIVES; AND FOR OTHER PURPOSES.
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Subtitle

15 TO REQUIRE THE PREPARATION OF A RACIAL
16 IMPACT STATEMENT FOR CERTAIN BILLS FILED
17 WITH THE SENATE AND HOUSE OF
18 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 (C) Change the penalty for an existing offense; or

34 (D) Change existing sentencing, parole, or probation
35 procedures.

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 General Assembly.

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)(1) 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 1-2-503;

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 (c)(1)(A) If a racial impact statement indicates a disparate impact on
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

