

State of Arkansas

76th General Assembly

Regular Session, 1987

HOUSE BILL 1703

By: Representatives Pollan and Hays

"AN ACT TO REQUIRE THE REGISTRATION OF HABITUAL CHILD SEX
OFFENDERS."

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

SECTION 1. SHORT TITLE. This Act shall be known and may be cited as the
"Habitual Child Sex Offender Registration Act."

SECTION 2. DEFINITIONS. As used in this Act, the following definitions
apply:

(A) "Habitual Child Sex Offender" includes any person who, after August
1, 1987, is convicted a second or subsequent time, in separate criminal
actions, for commission of any of the sex offenses set forth in subsection (B)
of this Section. Upon such conviction the Court shall certify that the per-
son is a "habitual child sex offender" and shall include such certification in
the order of commitment. Convictions which result from or are connected with
the same act, or result from offenses committed at the same time, shall be
counted for the purpose of this Section as one conviction. Any conviction set
aside pursuant to law is not a conviction for purposes of this Section. A
conviction from another state shall constitute a conviction for purposes
of this Act.

(B) As used in this Section, "sex offense" means:

(1) A violation of any of the following sections of Act 280 of 1975,
as amended, the Arkansas Criminal Code, when the victim is under 18 years of
age:

Section 1803 (rape),

Section 1804 (carnal abuse in the first degree),

Section 1805 (carnal abuse in the second degree),

Section 1808 (sexual abuse in the first degree),
Section 1826 (violation of a minor in the first degree),
Section 1827 (violation of a minor in the second degree),
Section 2403 (incest)

(2) A violation of any former law of this State, substantially equivalent to any offense listed in subsection (B) (1) of this Section;

(3) A conviction for an offense of the law of another State which is substantially equivalent to any offense listed in subsection (B) (1) of this Section.

(C) As used in this Act, "law enforcement agency having jurisdiction" means the Chief of Police in the municipality in which the offender expects to reside upon his discharge, parole or release, or the Sheriff of the County, in the event no police chief exists or if the offender intends to reside in an unincorporated area.

SECTION 3. DUTY TO REGISTER. Any habitual child sex offender shall, within thirty days of his coming into any county in which he resides or is temporarily domiciled for more than thirty days, register with the Chief of Police of the municipality in which he resides, or in the event no police chief exists or if he resides in an unincorporated area, he shall register with the Sheriff of the County.

SECTION 4. DISCHARGE OF HABITUAL CHILD SEX OFFENDER FROM PENAL INSTITUTION; DUTIES OF OFFICIAL IN CHARGE. Any habitual child sex offender, as defined by this Act, who is discharged or paroled from a prison, hospital or other institution or facility where he was confined pursuant to subsection (B) of Section 2 of this Act, shall, prior to discharge, parole or release, be informed of his duty to register under this Act, by the staff of the facility in which he was confined. The staff of the facility shall explain the duty to register and the procedure for registration and require the person to sign a form which shall be prepared by the Arkansas State Police stating such duty and procedures has been explained to him. The staff of the facility shall obtain the address where the person expects to reside upon his discharge, parole or release and shall report the address to the Arkansas State Police. The staff of the facility shall give one copy of the form to the person and

shall send two copies to the Arkansas State Police which shall forward one copy to the law enforcement agency having jurisdiction where the person expects to reside upon his discharge, parole or release.

SECTION 5. RELEASE OF HABITUAL CHILD SEX OFFENDER; DUTIES OF THE COURT. Any habitual child sex offender, as defined by this Act, who is released on probation, receives a suspended sentence or a suspended imposition of sentence or discharged upon payment of a fine because of the commission or the attempt to commit one of the offenses defined in subsection (B) of Section 2 of this Act, shall, prior to such release be informed of his duty to register under this Act by the Court in which he was convicted. The Court shall require the person to read and sign a form which shall be prepared by the Arkansas State Police stating that the duty to register and the procedure for registration has been explained to him. The Court shall obtain the address where the person expects to reside upon his release, and shall report the address to the Arkansas State Police. The Court shall give one copy of the form to the person and shall send two copies to the Arkansas State Police which shall forward one copy to the law enforcement agency having jurisdiction where the person expects to reside upon his release.

SECTION 6. CHANGE OF ADDRESS; DUTY TO INFORM. If any person required to register under this Act changes his residence address, he shall inform the law enforcement agency with whom he last registered of his new address, in writing, within ten days. The law enforcement agency shall, within three days of receipt, forward the information to the Arkansas State Police and to the law enforcement agency having jurisdiction of the new place of residence.

SECTION 7. DURATION OF REGISTRATION. Any person required to register under this Act shall be required to register for a period of ten (10) years after conviction if not confined to a penal institution, psychiatric residential care facility or mental hospital or any other institution or facility to which the person is confined for treatment related to registerable offenses at the expiration of ten (10) years after paroled, discharged or released from any such facility. Liability for registration terminates at the expiration of ten (10) years from the date of conviction if not confined to a penal institution, psychiatric residential care facility or mental hospital or any other

institution or facility to which the person is confined for treatment related to registerable offenses, at the expiration of ten (10) years from the date of parole, discharge or release from any such facility, provided such convicted habitual child sex offender does not during that period, again become liable to register under the provisions of this Act.

Any habitual child sex offender registered under the provisions of Section 3 of this Act, inclusive, may apply to the circuit court in this State having jurisdiction over the county in which the offender resides for an order relieving him of the duty of further registration. The court shall hold a hearing on the application at which the applicant and any interested persons may present witnesses and other evidence. If, after such hearing, the Court finds by a preponderance of the evidence that such habitual child sex offender is rehabilitated, the Court shall grant an order relieving him of the duty of further registration under this Act.

SECTION 8. REGISTRATION REQUIREMENTS. Registration as required by this Act shall consist of a statement in writing signed by such person. The information shall include the following:

- (1) name; and
- (2) date of birth; and
- (3) date of conviction(s) obtained; and
- (4) city/county of conviction(s) obtained; and
- (5) a photograph; and
- (6) fingerprints; and
- (7) social security number.

Within three days, the registering law enforcement agency shall forward such statement and any other required information to the Arkansas State Police.

SECTION 9. PUBLIC INSPECTION OF REGISTRATION DATA PROHIBITED. The statements or any other information required by this Act shall not be open to inspection by the public and specifically are not subject to the provisions of the Arkansas Freedom of Information Act, Act 93 of 1967, as amended, nor may such data be obtained by any person other than a law enforcement officer or other individual as may be authorized specifically by law.

SECTION 10. PENALTY. Any person who is required to register under this Act who violates any of the provisions thereof is guilty of a class A misdemeanor.

SECTION 11. All laws and parts of laws in conflict with this Act are hereby repealed.

