

1 State of Arkansas

As Engrossed: H1/29/97 H1/31/97 H2/26/97

2 81st General Assembly

A Bill

3 Regular Session, 1997

HOUSE BILL 1310

4 By: Representative Ferrell

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For An Act To Be Entitled

8 "AN ACT TO REQUIRE PUBLIC HEARINGS PRIOR TO LOCATING OR
9 CONSTRUCTING ANY COMMUNITY-BASED RESIDENTIAL FACILITY FOR
10 PERSONS ADJUDICATED OR CONVICTED OF SEXUAL OFFENSES OR
11 OFFENSE THAT CONSTITUTES A *CLASS C FELONY* OR HIGHER IN ANY
12 MUNICIPALITY OR COUNTY; AND FOR OTHER PURPOSES."

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Subtitle

15 "TO REQUIRE PUBLIC HEARINGS PRIOR TO
16 LOCATING OR CONSTRUCTING CERTAIN
17 COMMUNITY-BASED RESIDENTIAL FACILITIES"

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

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21 SECTION 1. In order to ensure public notice and safety, from and after
22 the effective date of this act, no state agency, board or commission, nor the
23 governing body of any municipality or county shall approve the location or
24 construction of any community-based residential facility housing persons,
25 juveniles or adults, adjudicated or convicted of any sexual or violent offense
26 or any other offense that would constitute a Class C felony or higher, even if
27 the facility otherwise conforms to applicable zoning ordinances, nor shall any
28 community-based residential facility housing persons, juveniles or adults,
29 adjudicated or convicted of any sexual or violent offense or any other
30 criminal offense that would constitute a Class C felony or higher be located
31 or constructed within any municipality or county of this state unless and
32 until a public hearing is conducted in the municipality or county of the
33 proposed location of the facility at least thirty (30) days prior to the
34 owner, operator or care provider of the proposed facility contracting for the
35 acquisition of any property on which to locate the proposed facility or any
36 existing structure in which to locate the proposed facility. All residents

1 within one thousand (1,000) feet of the proposed location of the facility
2 shall be notified by mail at least ten (10) days prior to the day of the
3 hearing.

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5 SECTION 2. All provisions of this act of a general and permanent nature
6 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code
7 Revision Commission shall incorporate the same in the Code.

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9 SECTION 3. If any provision of this act or the application thereof to
10 any person or circumstance is held invalid, such invalidity shall not affect
11 other provisions or applications of the act which can be given effect without
12 the invalid provision or application, and to this end the provisions of this
13 act are declared to be severable.

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15 SECTION 4. All laws and parts of laws in conflict with this act are
16 hereby repealed.

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18 /s/Ferrell

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