

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.

1 State of Arkansas
2 86th General Assembly
3 Regular Session, 2007
4

A Bill

HOUSE BILL 1458

5 By: Representative Dunn
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For An Act To Be Entitled

8
9 AN ACT TO AMEND THE DEFINITION OF SEX OFFENSE IN
10 THE SEX OFFENDER REGISTRATION ACT OF 1997; AND
11 FOR OTHER PURPOSES.
12

Subtitle

13
14 TO AMEND THE DEFINITION OF SEX OFFENSE
15 IN THE SEX OFFENDER REGISTRATION ACT OF
16 1997.
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18

19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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21 SECTION 1. Arkansas Code § 12-12-903(12), pertaining to the definition
22 of "sex offense", is amended to read as follows:

23 (12)(A) "Sex offense" for the purposes of this subchapter
24 includes, but is not limited to:

25 (i) The following offenses:

- 26 (a) Rape, § 5-14-103;
27 (b) Sexual indecency with a child, § 5-14-110;
28 (c) Sexual assault in the first degree, § 5-
29 14-124;
30 (d) Sexual assault in the second degree, § 5-
31 14-125;
32 (e) Sexual assault in the third degree, § 5-
33 14-126;
34 (f) Sexual assault in the fourth degree, § 5-
35 14-127;
36 (g) Incest, § 5-26-202;



- 1 (h) Engaging children in sexually explicit
- 2 conduct for use in visual or print medium, § 5-27-303;
- 3 (i) Transportation of minors for prohibited
- 4 sexual conduct, § 5-27-305;
- 5 (j) Employing or consenting to use of a child
- 6 in sexual performance, § 5-27-402;
- 7 (k) Pandering or possessing visual or print
- 8 medium depicting sexually explicit conduct involving a child, § 5-27-304;
- 9 (l) Producing, directing, or promoting sexual
- 10 performance, § 5-27-403;
- 11 (m) Promoting prostitution in the first
- 12 degree, § 5-70-104;
- 13 (n) Stalking when ordered by the sentencing
- 14 court to register as a sex offender, § 5-71-229;
- 15 (o) Indecent exposure, § 5-14-112, if a felony
- 16 level offense;
- 17 (p) Exposing another person to human
- 18 immunodeficiency virus when ordered by the sentencing court to register as a
- 19 sex offender, § 5-14-123;
- 20 (q) Kidnapping pursuant to § 5-11-102(a) when
- 21 the victim is a minor and the offender is not the parent of the victim;
- 22 (r) False imprisonment in the first degree and
- 23 false imprisonment in the second degree, §§ 5-11-103 and 5-11-104, when the
- 24 victim is a minor and the offender is not the parent of the victim;
- 25 (s) Permitting abuse of a child pursuant to §
- 26 5-27-221;
- 27 (t) Computer child pornography, § 5-27-603;
- 28 (u) Computer exploitation of a child in the
- 29 first degree, § 5-27-605(a);
- 30 (v) Permanent detention or restraint when the
- 31 offender is not the parent of the victim, § 5-11-106;
- 32 (w) Distributing, possessing, or viewing
- 33 matter depicting sexually explicit conduct involving a child, § 5-27-602;
- 34 (x) Computer child pornography, § 5-27-603;
- 35 ~~and~~
- 36 (y) Computer exploitation of a child, § 5-27-

1 605; and

2 (z) Any felony-homicide offense under § 5-10-
3 101, § 5-10-102, or § 5-10-104 if the underlying felony is an offense listed
4 in subdivisions (12)(A)(i)(a)-(y) of this section;

5 (ii) An attempt, solicitation, or conspiracy to
6 commit any of the offenses enumerated in subdivision (12)(A)(i) of this
7 section; and

8 (iii) An adjudication of guilt for an offense of the
9 law of another state, for a federal offense, for a tribal court offense, or
10 for a military offense:

11 (a) Which is similar to any of the offenses
12 enumerated in subdivision (12)(A)(i) of this section;

13 (b) When that adjudication of guilt requires
14 registration under another state’s sex offender registration laws; or

15 (c) A violation of any former law of this
16 state that is substantially equivalent to any of the offenses enumerated in
17 this subdivision (12)(A).

18 (B)(i) The sentencing court has the authority to order the
19 registration of any offender shown in court to have attempted to commit or to
20 have committed a sex offense even though the offense is not enumerated in
21 subdivision (12)(A)(i) of this section.

22 (ii) This authority applies to sex offenses enacted,
23 renamed, or amended at a later date by the General Assembly unless the
24 General Assembly expresses its intent not to consider the offense to be a
25 true sex offense for the purposes of this subchapter;

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