

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 87th General Assembly
3 Regular Session, 2009
4

As Engrossed: H1/27/09
A Bill

HOUSE BILL 1015

5 By: Representative Abernathy
6
7

8 **For An Act To Be Entitled**

9 AN ACT CONCERNING REGISTRATION OF ARSONISTS; AND
10 FOR OTHER PURPOSES.

11
12 **Subtitle**

13 AN ACT CONCERNING REGISTRATION OF
14 ARSONISTS.
15
16

17 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
18

19 SECTION 1. Arkansas Code Title 12, Chapter 13, is amended to add a new
20 subchapter to read as follows:
21

22 12-13-401. Title.

23 This subchapter shall be known and may be cited as the "Arson
24 Registration Act".
25

26 12-13-402. Definitions.

27 As used in this subchapter:

28 (1) "Arsonist" means:

29 (A) A person charged as an adult in circuit court with
30 arson, § 5-38-301, and:

31 (i) Convicted of arson, § 5-38-301, or any attempt
32 or solicitation of arson, § 5-38-301; or

33 (ii) Found not guilty by reason of mental disease or
34 defect;

35 (B) A minor charged and adjudicated delinquent of arson, §
36 5-38-301, in a juvenile proceeding; or



1 (C) A person convicted of any state, federal, military, or
2 foreign law substantially similar to arson, § 5-38-301; and

3 (2) “Temporarily domiciled” means residing at a location for a
4 period of more than twenty-one (21) days, including residing for more than
5 twenty-one (21) days as a student while attending an institution of higher
6 education.

7
8 12-13-403. Duty to register.

9 (a) Within ten (10) days of becoming temporarily domiciled or
10 permanently domiciled in a county, an arsonist shall register in person and
11 provide accurate information to the county sheriff’s department. The
12 information shall include the arsonist’s:

13 (1) Current address;

14 (2) Current place of employment, if applicable; and

15 (3) Current school he or she is attending, if applicable.

16 (b) An arsonist temporarily domiciled or permanently domiciled in a
17 county is obligated to notify the county sheriff’s department upon the change
18 of his or her address, employment, or school he or she is attending within
19 that county within five (5) days of the change of his or her address,
20 employment, or school.

21
22 12-13-404. Sheriff’s department notification to local entities.

23 (a) A county sheriff’s department maintaining the registration
24 required by this subchapter shall notify in writing all of the following
25 within its jurisdiction, if applicable, of any new registrants or changes of
26 required information for all arsonists already registered in its
27 jurisdiction:

28 (1) Fire departments, including volunteer fire departments;

29 (2) Municipal police or law enforcement agencies;

30 (3) Local offices maintained by the Department of Arkansas State
31 Police; and

32 (4) Law enforcement agencies maintained by a school or
33 institution of higher education.

34 (b) A county sheriff’s department shall verify the addresses of
35 arsonists domiciled in its jurisdiction and registered with the county
36 sheriff’s department at least one (1) time per calendar year.

1
2 12-13-405. Notification of the registration requirement to the
3 arsonist.

4 (a)(1) The Department of Community Correction shall notify in writing
5 any arsonist released from incarceration from the Department of Correction
6 who is released under the supervision of the Department of Community
7 Correction within three (3) days of the arsonist's release of the
8 registration requirements of this subchapter.

9 (2) If an arsonist incarcerated at the Department of Correction
10 fully completes his or her sentence and is released without some manner of
11 supervision by the Department of Community Correction, the Department of
12 Correction shall notify the arsonist in writing upon his or her release of
13 the arsonist's registration requirements of this subchapter.

14 (b) If an arsonist is placed on supervised probation as a result of
15 his or her pleading guilty or nolo contendere to arson, the sentencing court
16 shall notify the arsonist in writing and at the time the sentence is placed
17 into effect of the registration requirements of this subchapter.

18 (c) If an arsonist is to be released from the Arkansas State Hospital,
19 a residential treatment facility, or hospital for which he or she was
20 admitted under a court order that was the result of an adjudication involving
21 the arsonist's conviction or sentence for arson, the Arkansas State Hospital,
22 the residential treatment facility, or the hospital shall notify in writing
23 at the time of release both the arsonist and any person to whom the arsonist
24 is being released and who maintains a legal responsibility over the arsonist
25 of the registration requirement of this subchapter.

26
27 12-13-406. Abatement of registration requirement.

28 The requirement to register under this subchapter ceases after a period
29 of ten (10) years following the latest of:

30 (1) The date the arsonist successfully completed his or her
31 applicable sentence, including any period of time during which the arsonist
32 was supervised by the Department of Community Correction; or

33 (2) The date the arsonist is released from the Arkansas State
34 Hospital, residential treatment facility, or any hospital where the arsonist
35 was admitted under a finding of mental disease or defect.

36

1 12-13-407. Persons not required to register.

2 Until the arsonist is released, this subchapter does not apply to an
3 arsonist:

4 (1) Housed in a facility maintained by the Department of
5 Correction;

6 (2) Incarcerated in a county, city, or other local jail as the
7 result of an arrest or conviction and sentence;

8 (3) Residing or otherwise housed at a residential treatment
9 facility or hospital; or

10 (4) Residing or housed at the Arkansas State Hospital under an
11 involuntary civil commitment or a judicial finding of having a mental disease
12 or defect that resulted in an acquittal in a criminal case.

13
14 12-13-408. Penalties.

15 Upon conviction, a person who is required to register under this
16 section who:

17 (1) Knowingly fails to register or knowingly supplies false or
18 misleading information required by this section is guilty of a Class D
19 felony; or

20 (2) Knowingly fails to notify a county sheriff's department
21 maintaining the required information of a change in the person's address,
22 name, or place of employment is guilty of a Class A misdemeanor.

23
24 12-13-409. Release of information.

25 (a)(1) The information gathered by a county sheriff's department and
26 distributed to the entities listed in § 12-13-404 shall not be made available
27 to the general public for inspection and is not subject to the Freedom of
28 Information Act of 1967, § 25-19-101 et seq.

29 (2) A knowing violation of this subsection is a Class B
30 misdemeanor.

31 (b) A state or federal law enforcement agency or a state or federal
32 agency responsible for investigating fires or insurance claims involving
33 fires may inspect information maintained by a county sheriff's department
34 under this subchapter.

35
36 */s/ Abernathy*