

1 State of Arkansas
2 88th General Assembly
3 Regular Session, 2011
4

A Bill

HOUSE BILL 1278

5 By: Representative T. Rogers
6 By: Senators Salmon, R. Thompson
7

For An Act To Be Entitled

9 AN ACT REGARDING SEX OFFENDER VERIFICATION, EMAIL
10 ADDRESSES, AND INTERNET IDENTITIES; AND FOR OTHER
11 PURPOSES.
12
13

Subtitle

14 REGARDING SEX OFFENDER VERIFICATION,
15 EMAIL ADDRESSES, AND INTERNET IDENTITIES.
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19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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21 SECTION 1. Arkansas Code § 12-12-906(g), regarding what information a
22 sex offender is mandated to report to law enforcement, is amended to read as
23 follows:

24 (g)(1) Except as provided in subsection (h) of this section, ~~beginning~~
25 ~~April 7, 2006,~~ a sex offender subject to lifetime registration under § 12-12-
26 919 shall report in person every six (6) months after registration to the
27 local law enforcement agency having jurisdiction to verify registration.

28 (2) The local law enforcement agency having jurisdiction may
29 determine the appropriate times and days for reporting by the sex offender,
30 and the determination shall be consistent with the reporting requirements of
31 subdivision (g)(1) of this section.

32 (3) Registration verification shall include reporting any change
33 to the following information concerning the sex offender:

- 34 (A) Name;
35 (B) Social security number;
36 (C) Age;



1 (D) Race;
 2 (E) Gender;
 3 (F) Date of birth;
 4 (G) Height;
 5 (H) Weight;
 6 (I) Hair and eye color;
 7 (J)(i) Address of any permanent residence and address of
 8 any current temporary residence within this state or out of this state,
 9 including a rural route address and a post office box.
 10 (ii) A post office box shall not be provided in lieu
 11 of a physical residential address;
 12 (K) Date and place of any employment;
 13 (L) Vehicle make, model, color, and license tag number
 14 that the sex offender owns, operates, or to which he or she has access;
 15 (M)(i) Fingerprints.
 16 (ii) If the local law enforcement agency having
 17 jurisdiction cannot confirm that the sex offender's fingerprints are
 18 contained in the automated fingerprint identification system, the local law
 19 enforcement agency having jurisdiction shall:
 20 (a) Take the sex offender's fingerprints; and
 21 (b) Submit the fingerprints to the center and
 22 to the Department of Arkansas State Police; ~~and~~
 23 (N)(i) Photograph.
 24 (ii) The local law enforcement agency having
 25 jurisdiction shall take a photograph of the sex offender at each registration
 26 verification and submit the photograph to the center+;
 27 (O) All computers or other devices with Internet
 28 capability to which the sex offender has access;
 29 (P) All email addresses used by the sex offender; and
 30 (Q) All user names, screen names, or instant message names
 31 that are used by the sex offender to communicate in real time with another
 32 person using the Internet.
 33 (4) If the sex offender is enrolled or employed at an
 34 institution of higher education in this state, the sex offender shall also
 35 report to the local law enforcement agency having jurisdiction:
 36 (A) The name and address of each institution of higher

education where he or she is enrolled or employed, including each campus attended;

(B) The county where each campus is located; and

(C) His or her enrollment or employment status.

(5) If the place of residence of the sex offender is a motor vehicle, trailer, mobile home, modular home, or manufactured home, the sex offender shall report the following information concerning the motor vehicle, trailer, mobile home, modular home, or manufactured home:

(A) Vehicle identification number;

(B) License tag number;

(C) Registration number; and

(D) A description, including color scheme.

(6) If the place of residence of the sex offender is a vessel, live-aboard vessel, or houseboat, the sex offender shall report the following information concerning the vessel, live-aboard vessel, or houseboat:

(A) Hull identification number;

(B) Manufacturer's serial number;

(C) Name;

(D) Registration number; and

(E) A description, including color scheme.

SECTION 2. Arkansas Code § 12-12-906(h), regarding what information a sexually violent predator is mandated to report to law enforcement, is amended to read as follows:

(h)(1) ~~Beginning on March 21, 2007, a~~ A sexually violent predator subject to lifetime registration under § 12-12-919 shall report in person every three (3) months after registration to the local law enforcement agency having jurisdiction to verify registration.

(2) The local law enforcement agency having jurisdiction may determine the appropriate times and days for reporting by the sexually violent predator, and the determination shall be consistent with the reporting requirements of subdivision (h)(1) of this section.

(3) Registration verification shall include reporting any change to the following information concerning the sexually violent predator:

(A) Name;

(B) Social security number;

1 (C) Age;
 2 (D) Race;
 3 (E) Gender;
 4 (F) Date of birth;
 5 (G) Height;
 6 (H) Weight;
 7 (I) Hair and eye color;
 8 (J)(i) Address of any permanent residence and address of
 9 any current temporary residence within this state or out of this state,
 10 including a rural route address and a post office box.
 11 (ii) A post office box shall not be provided in lieu
 12 of a physical residential address;
 13 (K) Date and place of any employment;
 14 (L) Vehicle make, model, color, and license tag number
 15 that the sexually violent predator owns, operates, or to which he or she has
 16 access;
 17 (M)(i) Fingerprints.
 18 (ii) If the local law enforcement agency having
 19 jurisdiction cannot confirm that the sexually violent predator's fingerprints
 20 are contained in the automated fingerprint identification system, the local
 21 law enforcement agency having jurisdiction shall:
 22 (a) Take the sexually violent predator's
 23 fingerprints; and
 24 (b) Submit the fingerprints to the center and
 25 to the Department of Arkansas State Police; ~~and~~
 26 (N)(i) Photograph.
 27 (ii) The local law enforcement agency having
 28 jurisdiction shall take a photograph of the sexually violent predator at each
 29 registration verification and submit the photograph to the center;
 30 (O) All computers or other devices with Internet
 31 capability to which the sex offender has access;
 32 (P) All email addresses used by the sex offender; and
 33 (Q) All user names, screen names, or instant message names
 34 that are used by the sex offender to communicate in real time with another
 35 person using the Internet.
 36 (4) If the sexually violent predator is enrolled or employed at

an institution of higher education in this state, the sexually violent predator shall also report to the local law enforcement agency having jurisdiction:

(A) The name and address of each institution of higher education where he or she is enrolled or employed, including each campus attended;

(B) The county where each campus is located; and

(C) His or her enrollment or employment status.

(5) If the place of residence of the sexually violent predator is a motor vehicle, trailer, mobile home, modular home, or manufactured home, the sexually violent predator shall report the following information concerning the motor vehicle, trailer, mobile home, modular home, or manufactured home:

(A) Vehicle identification number;

(B) License tag number;

(C) Registration number; and

(D) A description, including color scheme.

(6) If the place of residence of the sexually violent predator is a vessel, live-aboard vessel, or houseboat, the sexually violent predator shall report the following information concerning the vessel, live-aboard vessel, or houseboat:

(A) Hull identification number;

(B) Manufacturer's serial number;

(C) Name;

(D) Registration number; and

(E) A description, including color scheme.

(i) Within three (3) days after verifying the registration of a sex offender under subsection (g) of this section or a sexually violent predator under subsection (h) of this section, the local law enforcement agency having jurisdiction shall report by written or electronic means all information obtained from or provided by the sex offender or sexually violent predator to the center.

SECTION 1. Arkansas Code § 12-12-908 is amended to read as follows:
12-12-908. Registration format – Requirements.

(a) The Director of the Arkansas Crime Information Center shall

1 prepare the format for registration as required in subsection (b) of this
2 section and shall provide instructions for registration to each organized
3 full-time municipal police department, county sheriff's office, the
4 Department of Correction, the Department of Community Correction, the
5 Department of Human Services, and the Administrative Office of the Courts.

6 (b) The registration file required by this subchapter shall include:

7 (1) The sex offender's full name and all aliases that the sex
8 offender has used or under which the sex offender has been known;

9 (2) Date of birth;

10 (3) Sex;

11 (4) Race;

12 (5) Height;

13 (6) Weight;

14 (7) Hair and eye color;

15 (8) Address of any temporary residence;

16 (9) Anticipated address of legal residence;

17 (10) Driver's license number or state identification number, if
18 available;

19 (11) Social security number;

20 (12) Place of employment, education, or training;

21 (13) Photograph, if not already obtained;

22 (14) Fingerprints, if not already obtained;

23 (15) Date of arrest, arresting agency, offense for which
24 convicted or acquitted, and arrest tracking number for each adjudication of
25 guilt or acquittal on the grounds of mental disease or defect;

26 (16) A brief description of the crime or crimes for which
27 registration is required;

28 (17) The registration status of the sex offender as a sexually
29 violent predator, aggravated sex offender, or sex offender;

30 (18) A statement in writing signed by the sex offender
31 acknowledging that the sex offender has been advised of the duty to register
32 imposed by this subchapter; ~~and~~

33 (19) All computers or other devices with Internet capability to
34 which the sex offender has access;

35 (20) All email addresses used by the sex offender;

36 (21) All user names, screen names, or instant message names that

1 are used by the sex offender to communicate in real time with another person
2 using the Internet; and

3 ~~(19)-(22)~~ Any other information that the center deems necessary,
4 including, ~~but not limited to~~ without limitation:

5 (A) Criminal and corrections records;

6 (B) Nonprivileged personnel records;

7 (C) Treatment and abuse registry records; and

8 (D) Evidentiary genetic markers.

9 (c) Certain information such as social security number, driver's
10 license number, employer, email addresses, user names, screen names, or
11 instant message names, information that may lead to identification of the
12 victim, and ~~the like~~ other similar information may be excluded from the
13 information that is released during the course of notification.