

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

As Engrossed: H2/24/11 S3/9/11

# A Bill

HOUSE BILL 1408

5 By: Representative Hopper  
6 By: Senator J. Key  
7

## For An Act To Be Entitled

9 AN ACT TO PROHIBIT LEVEL 2 SEX OFFENDERS FROM LIVING  
10 WITHIN TWO THOUSAND FEET FROM A SCHOOL, PUBLIC PARK,  
11 YOUTH CENTER, OR DAYCARE; AND FOR OTHER PURPOSES.  
12  
13

## Subtitle

15 TO PROHIBIT LEVEL 2 SEX OFFENDERS FROM  
16 LIVING WITHIN TWO THOUSAND FEET FROM A  
17 SCHOOL, PUBLIC PARK, YOUTH CENTER, OR  
18 DAYCARE.  
19  
20

21 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
22

23 SECTION 1. Arkansas Code § 5-14-128(a), regarding the distance from  
24 which a registered sex offender can live near a school, public park, youth  
25 center, or daycare, is amended to read as follows:

26 (a) It is unlawful for a sex offender who is required to register  
27 under the Sex Offender Registration Act of 1997, § 12-12-901 et seq., and who  
28 has been assessed as a Level 2 if the offender was eighteen (18) years of age  
29 or older and the victim was fourteen (14) years of age or younger when the  
30 crime was committed, Level 3, or Level 4 offender to reside within two  
31 thousand feet (2,000') of the property on which any public or private  
32 elementary or secondary school, public park, youth center, facility that  
33 provides care of developmentally disabled minors, or daycare facility is  
34 located.  
35

36 SECTION 2. Arkansas Code § 5-14-128(c), regarding the distance from



1 which a registered sex offender can live near a school, public park, youth  
2 center, or daycare, is amended to read as follows:

3 (c)(1)(A) With respect to a public or private elementary or secondary  
4 school or a daycare facility, it is not a violation of this section if the  
5 sex offender resides on property he or she owns prior to July 16, 2003.

6 (B) With respect to a public park or youth center, it is  
7 not a violation of this section if the sex offender resides on property he or  
8 she owns prior to July 31, 2007.

9 (2)(A) The exclusion in subdivision (c)(1)(A) of this section  
10 does not apply to a sex offender who pleads guilty or nolo contendere to or  
11 is found guilty of another sex offense after July 16, 2003.

12 (B) The exclusion in subdivision (c)(1)(B) of this section  
13 does not apply to a sex offender who pleads guilty or nolo contendere to or  
14 is found guilty of another sex offense on or after July 31, 2007.

15 (3)(A) With respect to a sex offender who has been assessed as a  
16 Level 2 offender if the offender was eighteen (18) years of age or older and  
17 the victim was fourteen (14) years of age or younger when the crime was  
18 committed, it is not a violation of this section if the sex offender resides  
19 on property he or she owns before the effective date of this act.

20 (B) The exclusion in subdivision (c)(3)(A) of this section  
21 does not apply to a sex offender who pleads guilty or nolo contendere to or  
22 is found guilty of another sex offense on or after the effective date of this  
23 act.

24

25 /s/Hopper

26

27

28

29

30

31

32

33

34

35

36