

State of Arkansas  
89th General Assembly  
Regular Session, 2013

# A Bill

SENATE BILL 1093

By: Senator Elliott  
By: Representatives H. Wilkins, Love

## For An Act To Be Entitled

AN ACT TO REQUIRE THE PREPARATION OF A RACIAL IMPACT  
STATEMENT FOR CERTAIN BILLS FILED WITH THE SENATE AND  
HOUSE OF REPRESENTATIVES; AND FOR OTHER PURPOSES.

## Subtitle

TO REQUIRE THE PREPARATION OF A RACIAL  
IMPACT STATEMENT FOR CERTAIN BILLS FILED  
WITH THE SENATE AND HOUSE OF  
REPRESENTATIVES.

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

SECTION 1. Arkansas Code Title 10, Chapter 2, Subchapter 1 is amended  
to add an additional section to read as follows:

10-2-132. Racial impact statement.

(a)(1) A racial impact statement shall be prepared as provided in this  
section for any bill filed in the Senate or House of Representatives that  
will:

(A) Create a new offense;

(B) Significantly change an existing offense;

(C) Change the penalty for an existing offense; or

(D) Change existing sentencing, parole, or probation  
procedures.

(2) A racial impact statement shall be prepared and filed with  
the chair of the committee to which the bill is referred before the bill is  
heard in the committee during a regular, fiscal, or special session of the



1 General Assembly.

2 (3) If a bill requiring a racial impact statement is amended, a  
3 revised racial impact statement shall be prepared for the bill.

4 (b)(1)(A) Except as provided in subdivision (b)(1)(B) of this section,  
5 the Arkansas Sentencing Commission shall prepare the racial impact statement  
6 required by this section.

7 (B) The Arkansas Sentencing Commission, with the  
8 assistance of the Arkansas Coalition for Juvenile Justice, shall prepare a  
9 racial impact statement for a bill under subdivision (a)(1) of this section  
10 that has an impact on minors.

11 (2) The racial impact statement shall include without  
12 limitation:

13 (A) The estimated number of criminal cases per year that  
14 the bill will affect;

15 (B) The impact of the bill on a minority as defined in §  
16 1-2-503;

17 (C) The impact of the bill upon correctional facilities  
18 and services; and

19 (D) Other matters deemed relevant to the bill at issue.

20 (c)(1)(A) If a racial impact statement indicates a disparate impact on  
21 a minority as defined in § 1-2-503, the sponsor of the bill shall consider  
22 whether the bill may be amended to achieve its purpose with a lessened impact  
23 on minorities.

24 (B) If a bill is amended to lessen its impact on  
25 minorities the sponsor of the bill shall identify in writing, in the bill and  
26 the racial impact statement, the methodology used to lessen the impact on  
27 minorities in the amended proposal.

28 (2) If the sponsor of the bill elects not to amend the bill or  
29 if the racial impact statement for an amended bill continues to indicate a  
30 disparate impact on a minority, the sponsor of the bill shall:

31 (A) Withdraw the bill; or

32 (B) Identify in writing, in the bill and the racial impact  
33 statement, his or her reasoning for proceeding with the bill despite the  
34 disparate impact.

35 (d)(1) If a Senate or House bill is called up for final passage in the  
36 Senate or House of Representatives and a racial impact statement is required

1 by this section and has not been provided by the author of the bill or by the  
2 committee to which the bill was referred, the presiding officer of the Senate  
3 or House of Representatives shall cause the bill to be referred for the  
4 preparation of a racial impact statement, which shall be filed with the  
5 presiding officer at least five (5) days prior to the bill again being called  
6 up for final passage.

7 (2) The bill shall not be called back up for final action until  
8 a racial impact statement has been filed with the presiding officer.