1	State of Arkansas	As Engrossed: \$3/28/13		
2	89th General Assembly	A Bill		
3	Regular Session, 2013		SENATE BILL 1093	
4				
5	By: Senator Elliott			
6	By: Representatives H. Wilk	tins, Love		
7				
8		For An Act To Be Entitled		
9	AN ACT TO REQUIRE THE PREPARATION OF A RACIAL IMPACT			
10	STATEMENT	FOR CERTAIN BILLS FILED WITH THE	SENATE AND	
11	HOUSE OF	REPRESENTATIVES; AND FOR OTHER PUR	RPOSES.	
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14		Subtitle		
15	TO I	REQUIRE THE PREPARATION OF A RACIA	L	
16	IMPA	ACT STATEMENT FOR CERTAIN BILLS FI	LED	
17	WITI	H THE SENATE AND HOUSE OF		
18	REPI	RESENTATIVES.		
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20				
21	BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:			
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23	SECTION 1. Ark	tansas Code Title 10, Chapter 2, St	ıbchapter l is amended	
24	to add an additional	section to read as follows:		
25	<u>10-2-132.</u> Raci	<u>al impact statement.</u>		
26	<u>(a)(l) A racia</u>	al impact statement shall be prepar	ced as provided in this	
27	section for any bill	filed in the Senate or House of Re	epresentatives that	
28	will:			
29	<u>(A)</u>	Create a new offense;		
30	<u>(B)</u>	Significantly change an existing	g offense;	
31	<u>(C)</u>	Change the penalty for an existi	ing offense; or	
32	<u>(D)</u>	Change existing sentencing, parc	ole, or probation	
33	procedures.			
34	<u>(2) A ra</u>	icial impact statement shall be pre	epared and filed with	
35	the chair of the comm	nittee to which the bill is referre	ed before the bill is	
36	heard in the committee during a regular, fiscal, or special session of the			

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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 Office of Economic and Tax Policy, with the assistance of the Department		
6	of Criminal Justice at the University of Arkansas at Little Rock, shall		
7	prepare the racial impact statement required by this section.		
8	(B) The Office of Economic and Tax Policy, with the		
9	assistance of the Arkansas Coalition for Juvenile Justice and the Department		
10	of Criminal Justice at the University of Arkansas at Little Rock, shall		
11	prepare a racial impact statement for a bill under subdivision (a)(l) of this		
12	section that has an impact on minors.		
13	(2) The racial impact statement shall include without		
14	<pre>limitation:</pre>		
15	(A) The estimated number of criminal cases per year that		
16	the bill will affect;		
17	(B) The impact of the bill on a minority as defined in §		
18	<u>1-2-503</u> ;		
19	(C) The impact of the bill upon correctional facilities		
20	and services; and		
21	(D) Other matters deemed relevant to the bill at issue.		
22	(c)(1)(A) If a racial impact statement indicates a disparate impact on		
23	a minority as defined in § 1-2-503, the sponsor of the bill shall consider		
24	whether the bill may be amended to achieve its purpose with a lessened impact		
25	on minorities.		
26	(B) If a bill is amended to lessen its impact on		
27	minorities the sponsor of the bill shall identify in writing, in the bill and		
28	the racial impact statement, the methodology used to lessen the impact on		
29	minorities in the amended proposal.		
30	(2) If the sponsor of the bill elects not to amend the bill or		
31	if the racial impact statement for an amended bill continues to indicate a		
32	disparate impact on a minority, the sponsor of the bill shall:		
33	(A) Withdraw the bill; or		
34	(B) Identify in writing, in the bill and the racial impact		
35	statement, his or her reasoning for proceeding with the bill despite the		
36	disparate impact.		

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1	(d)(l) If a Senate or House bill is called up for final passage in the
2	Senate or House of Representatives and a racial impact statement is required
3	by this section and has not been provided by the author of the bill or by the
4	committee to which the bill was referred, the presiding officer of the Senate
5	or House of Representatives shall cause the bill to be referred for the
6	preparation of a racial impact statement, which shall be filed with the
7	presiding officer at least five (5) days prior to the bill again being called
8	up for final passage.
9	(2) The bill shall not be called back up for final action until
10	a racial impact statement has been filed with the presiding officer.
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12	/s/Elliott
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