

1 State of Arkansas  
2 89th General Assembly  
3 Regular Session, 2013  
4

# A Bill

SENATE BILL 57

5 By: Senator J. Woods  
6 By: Representative Neal  
7

## For An Act To Be Entitled

9 AN ACT REGARDING THE SEX OFFENDER REGISTRATION ACT OF  
10 1997; REGARDING THE REQUIREMENTS OF REGISTERING AS A  
11 SEX OFFENDER; AND FOR OTHER PURPOSES  
12  
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## Subtitle

15 REGARDING THE SEX OFFENDER REGISTRATION  
16 ACT OF 1997 AND REGARDING THE  
17 REQUIREMENTS OF REGISTERING AS A SEX  
18 OFFENDER.  
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21 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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23 SECTION 1. Arkansas Code § 12-12-903(10), concerning the definition of  
24 "residency" in the Sex Offender Registration Act of 1997, is amended to read  
25 as follows:

26 (10)(A) "Residency" means the place where a person lives  
27 notwithstanding that there may be an intent to move or return at some future  
28 date to another place.

29 (B) "Residency" also includes:

- 30 (i) place A place of employment;  
31 (ii) training, or A place of training;  
32 (iii) education; A place of education; or  
33 (iv) A temporary residence or domicile in which a person  
34 resides for an aggregate of five (5) or more days during a calendar year;  
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36 SECTION 2. Arkansas Code § 12-12-904(a)(1)(A), concerning the criminal



1 offense of failing to comply with registration and reporting requirements, is  
2 amended to read as follows:

3 (a)(1)(A) A person is guilty of a Class C felony who:

4 (i) Fails to register or verify registration as  
5 required under this subchapter;

6 (ii) Fails to report a change of address,  
7 employment, education, or training as required under this subchapter; ~~or~~

8 (iii) Refuses to cooperate with the assessment  
9 process as required under this subchapter; ~~or~~

10 (iv) Files false paperwork or documentation  
11 regarding verification, change of information, or petitions to be removed  
12 from the registry.

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14 SECTION 3. Arkansas Code § 12-12-906(a)(2), concerning the duty to  
15 register and verify as a sex offender, is amended to read as follows:

16 (2)(A) A sex offender ~~moving to or returning~~ who enters or returns to  
17 this state from another jurisdiction and who would be required to register as  
18 a sex offender in the jurisdiction in which he or she was adjudicated guilty  
19 or delinquent of a sex offense shall register with the local law enforcement  
20 agency having jurisdiction within ~~three (3) business~~ seven (7) calendar days  
21 after the sex offender ~~establishes residency in~~ enters into a municipality or  
22 county of this state.

23 (B)(i) Any person living in this state who would be  
24 required to register as a sex offender in the jurisdiction in which he or she  
25 was adjudicated guilty or delinquent of a sex offense shall register as a sex  
26 offender in this state whether living, working, or attending school or other  
27 training in Arkansas.

28 (ii) A nonresident worker or student who enters the  
29 state shall register in compliance with the Adam Walsh Child Protection and  
30 Safety Act of 2006, Pub. L. No. 109-248, as it existed on January 1, 2007.

31 (C) A sex offender sentenced and required to register  
32 outside of Arkansas shall:

33 (i)(a) Submit to assessment by Sex Offender  
34 Screening and Risk Assessment if he or she is at least eighteen (18) years of  
35 age at the time he or she enters this state to live, work, or attend school.

36 (b) If he or she is under the age of eighteen

1 (18) at the time he or she enters this state to live, work, or attend school,  
 2 he or she shall submit to assessment by the Family Treatment Program or other  
 3 agency or entity authorized to conduct juvenile sex offender assessments;

4 (ii) Provide a deoxyribonucleic acid (DNA) sample if  
 5 a sample is not already accessible to the State Crime Laboratory; and

6 (iii)(a) Pay the mandatory fee of two hundred fifty  
 7 dollars (\$250) to be deposited into the DNA Detection Fund established by §  
 8 12-12-1119 within ninety (90) days from the date of registration.

9 (b) Failure to pay the fee required under  
 10 subdivision (a)(2)(C)(iii)(a) of this section is a Class A misdemeanor.

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 12 SECTION 4. Arkansas Code § 12-12-919(b)(1), concerning the termination  
 13 of the obligation to register as a sex offender, is amended to read as  
 14 follows:

15 (b)(1)(A)(i) Any other sex offender required to register under this  
 16 subchapter may ~~make application~~ apply for an order terminating the obligation  
 17 to register to the sentencing court fifteen (15) years after release from  
 18 incarceration or other institution or fifteen (15) years after having been  
 19 placed on probation or any other form of community supervision by the court.

20 (ii) A sex offender sentenced in another state but  
 21 permanently residing in Arkansas may ~~make an application~~ apply for an order  
 22 terminating the obligation to register to the court of the county in which  
 23 the sex offender resides.

24 (B)(i) The court shall hold a hearing on the application  
 25 at which the applicant and any interested persons may present witnesses and  
 26 other evidence.

27 (ii) No ~~fewer~~ less than twenty (20) days ~~prior to~~  
 28 before the date of the hearing on the application, a copy of the application  
 29 for termination of the obligation to register shall be served on:

30 (a) ~~the~~ The prosecutor of the county in which  
 31 the adjudication of guilt triggering registration was obtained if the sex  
 32 offender was convicted in this state; or

33 (b) The prosecutor of the county where a sex  
 34 offender resides if the sex offender was convicted in another state.

35 (iii) A copy shall also be served to the Arkansas  
 36 Sex Offender Registry in the Arkansas Crime Information Center and to Sex

1 Offender Screening and Risk Assessment at least twenty (20) days before the  
2 hearing.

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