

1 State of Arkansas
2 90th General Assembly
3 Regular Session, 2015
4

As Engrossed: S3/12/15

A Bill

SENATE BILL 604

5 By: Senator Elliott
6

For An Act To Be Entitled

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

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14 TO REQUIRE THE PREPARATION OF A RACIAL
15 IMPACT STATEMENT FOR CERTAIN BILLS FILED
16 WITH THE SENATE AND HOUSE OF
17 REPRESENTATIVES.
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20 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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22 SECTION 1. Arkansas Code Title 10, Chapter 2, Subchapter 1 is amended
23 to add an additional section to read as follows:

24 10-2-133. Racial impact statement.

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

28 (A) Create a new misdemeanor or felony offense;

29 (B) Substantively change an element of an existing
30 misdemeanor or felony offense;

31 (C) Change the penalty for an existing misdemeanor or
32 felony offense; or

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

35 (2) A racial impact statement shall be prepared within fifteen
36 (15) days of filing and submitted to the University of Arkansas at Little



1 Rock William H. Bowen School of Law and filed with the chair of the committee
2 to which the bill is referred before the bill is heard in the committee
3 during a regular, fiscal, or special session of the General Assembly.

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

6 (b)(1)(A) The Office of Economic and Tax Policy, with the University
7 of Arkansas at Little Rock William H. Bowen School of Law and with
8 appropriate research faculty in the University of Arkansas at Little Rock
9 Department of Criminal Justice, shall prepare the racial impact statement
10 required by this section.

11 (B) The Arkansas Sentencing Commission, Department of
12 Correction, Administrative Office of the Courts, and the Arkansas Crime
13 Information Center shall cooperate fully with the University of Arkansas at
14 Little Rock William H. Bowen School of Law and the University of Arkansas at
15 Little Rock Department of Criminal Justice research faculty by providing data
16 possessed by those agencies that are requested to complete the racial impact
17 statements under this section.

18 (2) The racial impact statement shall include without
19 limitation:

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

22 (B) The impact of the bill on a minority as defined in §
23 1-2-503;

24 (C) The impact of the bill upon correctional facilities
25 and services; and

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

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

31 (B) If a bill is amended to lessen its impact on
32 minorities the sponsor of the bill shall identify in writing, in the bill and
33 the racial impact statement, the methodology used to lessen the impact on
34 minorities in the amended proposal.

35 (2) If the sponsor of the bill elects not to amend the bill or
36 if the racial impact statement for an amended bill continues to indicate a

1 disparate impact on a minority, the sponsor of the bill shall:

2 (A) Withdraw the bill; or

3 (B) Identify in writing, in the bill and the racial impact
4 statement, his or her reasoning for proceeding with the bill despite the
5 disparate impact.

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

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

16 (3) If an emergency situation arises necessitating the need for
17 legislation to be considered immediately, the requirement for a racial impact
18 statement under this section may be waived by a two-thirds (2/3) majority
19 vote of the committee to which the bill is assigned.

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21 /s/Elliott
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