

1 State of Arkansas
2 91st General Assembly
3 Regular Session, 2017
4

A Bill

SENATE BILL 237

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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13 TO REQUIRE THE PREPARATION OF A RACIAL
14 IMPACT STATEMENT FOR CERTAIN BILLS FILED
15 WITH THE SENATE AND HOUSE OF
16 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 assistance
 7 of the University of Arkansas at Little Rock William H. Bowen School of Law
 8 and with appropriate research faculty in the University of Arkansas at Little
 9 Rock Department of Criminal Justice, shall prepare the racial impact
 10 statement 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 is requested to complete the racial impact
 17 statement 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 group as defined
 23 in § 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 group as defined in § 1-2-503, the sponsor of the bill shall
 29 consider whether the bill may be amended to achieve its purpose with a
 30 lessened impact on a minority group.

31 (B) If a bill is amended to lessen its impact on a
 32 minority group the sponsor of the bill shall identify in writing, in the bill
 33 and the racial impact statement, the methodology used to lessen the impact on
 34 a minority group 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 group, 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 the House of Representatives and a racial impact statement is
8 required by this section and has not been provided by the author of the bill
9 or by the committee to which the bill was referred, the presiding officer of
10 the Senate or the House of Representatives shall cause the bill to be
11 referred for the preparation of a racial impact statement, which shall be
12 filed with the presiding officer at least five (5) days before the bill is
13 again called up for final passage.

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

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

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