

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

*As Engrossed: S2/1/17*

# 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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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 assistance  
7 of the University of Arkansas at Little Rock William H. Bowen School of Law  
8 and with the faculty and students of the Hendrix College Arkansas Policy  
9 Program, shall prepare the racial impact statement required by this section.

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

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

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

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

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

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

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

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

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

- 1                   (A) Withdraw the bill; or  
2                   (B) Identify in writing, in the bill and the racial impact  
3 statement, his or her reasoning for proceeding with the bill despite the  
4 disparate impact.

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

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

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

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*/s/Elliott*