

1 State of Arkansas
2 92nd General Assembly
3 Regular Session, 2019
4

A Bill

SENATE BILL 206

5 By: Senator Irvin
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For An Act To Be Entitled

8 AN ACT CONCERNING THE TERMINATION OF A PERSON'S
9 OBLIGATION TO REGISTER AS A SEX OFFENDER; CONCERNING
10 LIFETIME REGISTRATION FOR CERTAIN REPEAT OFFENDERS;
11 AND FOR OTHER PURPOSES.
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Subtitle

14 CONCERNING THE TERMINATION OF A PERSON'S
15 OBLIGATION TO REGISTER AS A SEX OFFENDER;
16 AND CONCERNING LIFETIME REGISTRATION FOR
17 CERTAIN REPEAT OFFENDERS.
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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 § 12-12-919 is amended to read as follows:
24 12-12-919. Termination of obligation to register.

25 (a) Lifetime registration is required for a sex offender who:

26 (1) Was found to have committed an aggravated sex offense;

27 (2) Was determined by the court to be or assessed as a Level 4
28 sexually dangerous person;

29 (3) Has pleaded guilty or nolo contendere to or been found
30 guilty of a second or subsequent sex offense under a separate case number,
31 not multiple counts on the same charge; ~~or~~

32 (4) Was convicted of rape by forcible compulsion, § 5-14-
33 103(a)(1), or other substantially similar offense in another jurisdiction;
34 or

35 (5) Has pleaded guilty or nolo contendere to or been found
36 guilty of failing to comply with registration and reporting requirements



1 under § 12-12-904 three (3) or more times.

2 (b)(1)(A)(i)(a) Any other sex offender required to register under this
3 subchapter may apply for an order terminating the obligation to register to
4 the sentencing court fifteen (15) years after ~~release from incarceration or~~
5 ~~other institution or fifteen (15) years after having been placed on probation~~
6 ~~or any other form of community supervision by the court~~ the date the sex
7 offender first registered in Arkansas.

8 (b) If the sex offender was incarcerated in a
9 correctional facility, the date the sex offender first registered in Arkansas
10 is the date the sex offender registered upon his or her release from the
11 correctional facility.

12 (ii) A After fifteen (15) years of having been
13 registered as a sex offender in Arkansas, a sex offender sentenced in another
14 state but permanently residing in Arkansas may apply for an order terminating
15 the obligation to register to in either the circuit court of the county in
16 which the sex offender resides or in the out-of-state sentencing court.

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

20 (ii) No less than twenty (20) days before the date
21 of the hearing on the application, a copy of the application for termination
22 of the obligation to register shall be served on:

23 (a) The prosecutor of the county in which the
24 adjudication of guilt triggering registration was obtained if the sex
25 offender was convicted in this state; or

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

28 (iii) A copy also shall be served to the Arkansas
29 Sex Offender Registry in the Arkansas Crime Information Center and to
30 Community Notification Assessment at least twenty (20) days before the
31 hearing.

32 (C)(i) If the sex offender has not been assessed in the
33 five (5) years before making a request to terminate the obligation to
34 register under this section, the sex offender shall submit to being
35 reassessed and an order shall not be granted without a reassessment.

36 (ii) A reassessment under this subdivision (b)(1)(C)

1 shall include a polygraph test.

2 (2) The court shall grant an order terminating the obligation to
3 register upon proof by a preponderance of the evidence that:

4 (A) The applicant, for a period of fifteen (15) years
5 after the applicant was released from prison or other institution, placed on
6 parole, supervised release, or probation has not been adjudicated guilty of a
7 sex offense; and

8 (B) The applicant is not likely to pose a threat to the
9 safety of others.

10 (3)(A) A sex offender required to register as a result of a
11 conviction for permitting the physical abuse of a minor under § 5-27-221 may
12 apply for termination of the obligation to register at any time after July
13 22, 2015.

14 (B) The court shall grant an order under this subdivision
15 (b)(3) terminating the obligation to register upon proof by a preponderance
16 of the evidence that the facts underlying the offense for which the sex
17 offender is required to register no longer support a requirement to register.

18 (c) If a court denies a petition to terminate the obligation to
19 register under this section, the sex offender may not file a new petition to
20 terminate the obligation to register under this section before one (1) year
21 from the date the order denying the previous petition was filed.

22 (d) The center shall remove a sex offender from the registry upon
23 receipt by the center of adequate proof that the sex offender has died.

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