

1 State of Arkansas  
2 93rd General Assembly  
3 Regular Session, 2021  
4

As Engrossed: H1/25/21

# A Bill

HOUSE BILL 1098

5 By: Representatives Wooten, *Evans*  
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## For An Act To Be Entitled

8 AN ACT TO RESTRICT THE CIRCUMSTANCES UNDER WHICH A  
9 SEX OFFENDER MAY BE PERMITTED ON OR NEAR THE PREMISES  
10 OF A CHILDCARE FACILITY; TO REQUIRE NOTICE TO CERTAIN  
11 PERSONS WHEN A SEX OFFENDER IS ON THE PREMISES OF A  
12 CHILDCARE FACILITY; AND FOR OTHER PURPOSES.  
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### Subtitle

15 TO RESTRICT THE CIRCUMSTANCES UNDER WHICH  
16 A SEX OFFENDER MAY BE PERMITTED ON OR  
17 NEAR THE PREMISES OF A CHILDCARE  
18 FACILITY; AND TO REQUIRE NOTICE TO  
19 CERTAIN PERSONS WHEN A SEX OFFENDER IS ON  
20 THE PREMISES OF A CHILDCARE FACILITY.  
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24 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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26 SECTION 1. Arkansas Code Title 20, Chapter 78, Subchapter 2, is  
27 amended to add an additional section to read as follows:

28 20-78-229. Sex offender prohibited from being on childcare facility  
29 premises – Notice concerning registered sex offenders.

30 (a) A person who is convicted of a sex offense against a minor or  
31 required to register as a sex offender under the Sex Offender Registration  
32 Act of 1997, § 12-12-901 et seq., shall not be permitted on the premises of a  
33 childcare facility:

34 (1) For a purpose other than to bring his or her child to the  
35 childcare facility or to collect his or her child from the childcare facility  
36 when another child or other children are on the premises of the childcare



1 facility; or

2 (2) In a manner that violates the Division of Child Care and  
3 Early Childhood Education's rules concerning childcare facilities.

4 (b)(1) An owner, operator, service provider, or director of a  
5 childcare facility shall provide written notification that a registered sex  
6 offender is, has been, or will be on or near the premises of the childcare  
7 facility to the parent, legal guardian, person having lawful control, or  
8 person standing in loco parentis of a child who attends the childcare  
9 facility if a person who is convicted of a sex offense against a minor or is  
10 required to register as a sex offender under the Sex Offender Registration  
11 Act of 1997, § 12-12-901 et seq.:

12 (A) Resides in or near the premises of the childcare  
13 facility in violation of § 5-14-128; or

14 (B) Is, has been, or will be present on the premises of  
15 the childcare facility for a purpose other than to bring his or her child to  
16 the childcare facility or to collect his or her child from the childcare  
17 facility.

18 (2) Notice under subdivision (b)(1) of this section is not  
19 required if a person who is convicted of a sex offense against a minor or is  
20 required to register as a sex offender under the Sex Offender Registration  
21 Act of 1997, § 12-12-901 et seq.:

22 (A) Is, has been, or will be present on the premises of  
23 the childcare facility to bring his or her child to the childcare facility or  
24 to collect his or her child from the childcare facility; or

25 (B) Is attending an event or a function in which his or  
26 her child is participating at the childcare facility.

27 (c) This section does not prohibit a person who is convicted of a sex  
28 offense against a minor or required to register as a sex offender under the  
29 Sex Offender Registration Act of 1997, § 12-12-901 et seq., from attending:

30 (1) A church service or function at a church in which a  
31 childcare facility is located if the church service or function is not held  
32 on the premises of the childcare facility; or

33 (2) An event or a function in which his or her child is  
34 participating at the childcare facility.

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36 /s/Wooten