

1 State of Arkansas As Engrossed: H1/25/21 H2/3/21 H2/22/21 H3/4/21

2 93rd General Assembly

A Bill

3 Regular Session, 2021

HOUSE BILL 1098

4

5 By: Representatives Wooten, Evans

6

7

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.

13

14

15

Subtitle

16

TO RESTRICT THE CIRCUMSTANCES UNDER WHICH

17

A SEX OFFENDER MAY BE PERMITTED ON OR

18

NEAR THE PREMISES OF A CHILDCARE

19

FACILITY; AND TO REQUIRE NOTICE TO

20

CERTAIN PERSONS WHEN A SEX OFFENDER IS ON

21

THE PREMISES OF A CHILDCARE FACILITY.

22

23

24 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

25

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. Notice concerning registered sex offenders – Definition.

29 (a) As used in this section, "immediate family member" means a person

30 who resides in the home of and is the spouse, parent, child, brother, sister,

31 mother-in-law, father-in-law, son-in-law, daughter-in-law, brother-in-law, or

32 sister-in-law of an owner, operator, service provider, or director of a

33 childcare facility or an employee of a childcare facility.

34 (b) If an owner, operator, service provider, or director of a

35 childcare facility or an employee of a childcare facility has an immediate

36 family member who is a Level 2 sex offender whose information is made public



1 under § 12-12-913(j)(1)(B), a Level 3 sex offender, or a Level 4 sex
2 offender, the owner, operator, service provider, or director of the childcare
3 facility shall provide notification in writing or by electronic mail to the
4 parent, legal guardian, person having lawful control, or person standing in
5 loco parentis of a child who attends the childcare facility that:

6 (1) The owner, operator, service provider, director, or employee
7 has an immediate family member who is a Level 2, Level 3, or Level 4 sex
8 offender; and

9 (2) The immediate family member who is a Level 2, Level 3, or
10 Level 4 sex offender will not be present on the premises of the childcare
11 facility while children are present.

12 (c) This section does not create a duty on behalf of an owner,
13 operator, service provider, or director of a childcare facility to take any
14 action other than providing the notice required under subsection (b) of this
15 section if the owner, operator, service provider, or director of the
16 childcare facility becomes aware of the information concerning a sex offender
17 described in subsection (b) of this section.

18
19 /s/Wooten
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36