

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

A Bill

HOUSE BILL 1561

5 By: Representative Gazaway
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For An Act To Be Entitled

8 AN ACT CONCERNING THE DEFINITION OF "TARGET GROUP" AS
9 IT APPLIES TO COMMUNITY CORRECTION; AND FOR OTHER
10 PURPOSES.
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Subtitle

12
13 CONCERNING THE DEFINITION OF "TARGET
14 GROUP" AS IT APPLIES TO COMMUNITY
15 CORRECTION.
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19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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21 SECTION 1. Arkansas Code § 16-93-1202(10), concerning the definition
22 of "target group" as it is applied to community correction, is amended to
23 read as follows:

24 (10)(A)(i) "Target group" means a group of offenders ~~and~~
25 ~~offenses determined to be, but not limited to, theft, theft by receiving, hot~~
26 ~~checks, residential burglary, commercial burglary, failure to appear,~~
27 ~~fraudulent use of credit cards, criminal mischief, breaking or entering, drug~~
28 ~~paraphernalia, driving while intoxicated, fourth or subsequent offense, all~~
29 ~~other Class B felonies, Class C felonies, or Class D felonies that are not~~
30 ~~either violent or sexual and that meet the eligibility criteria determined by~~
31 ~~the General Assembly to have significant impact on the use of correctional~~
32 ~~resources, Class A controlled substance felonies and Class B controlled~~
33 ~~substance felonies, and all other unclassified felonies for which the~~
34 ~~prescribed limitations on a sentence do not exceed the prescribed limitations~~
35 ~~for a Class B felony and that are not either violent or sexual, who have~~
36 committed one (1) or more of the following offenses without limitation:



- 1 (a) Terroristic threatening, § 5-13-301, if a
2 firearm was not used or brandished during the commission of the offense;
3 (b) Endangering the welfare of a minor in the
4 first degree, § 5-27-205;
5 (c) Theft, § 5-36-101 et seq.;
6 (d) Theft by receiving, § 5-36-106;
7 (e) Fraudulent use of a credit card or debit
8 card, § 5-37-207;
9 (f) Violation of the Arkansas Hot Check Law, §
10 5-37-301 et seq.;
11 (g) Criminal mischief in the first degree, §
12 5-38-203, and criminal mischief in the second degree, § 5-38-204;
13 (h) Commercial burglary, § 5-39-201(b);
14 (i) Breaking or entering, § 5-39-202;
15 (j) Failure to appear, § 5-54-120;
16 (k) Drug paraphernalia, § 5-64-443;
17 (l) Driving or boating while intoxicated, § 5-
18 65-103, fourth or subsequent offense;
19 (m) Leaving the scene of an accident resulting
20 in death or injury, § 27-53-101;
21 (n) A Class C felony or Class D felony that is
22 not violent or sexual and that meets the eligibility criteria determined by
23 the General Assembly to have significant impact on the use of correctional
24 resources;
25 (o) A controlled substance felony, other than
26 trafficking a controlled substance, § 5-64-440;
27 (p) An unclassified felony for which the
28 prescribed limitations on the sentence do not exceed the prescribed
29 limitations for a Class B felony and that is not violent or sexual; and
30 (q) Solicitation, attempt, or conspiracy to
31 commit an offense listed in this subdivision (10)(A)(i).
32 ~~(ii) Offenders committing solicitation, attempt, or~~
33 ~~conspiracy of the substantive offenses listed in subdivision (10)(A)(i) of~~
34 ~~this section are also included in the group.~~
35 ~~(iii)~~(ii) As used in this subdivision (10)(A),
36 “violent or sexual” includes:

1 (a) ~~all offenses~~ An offense against the person
2 ~~codified in under~~ § 5-10-101 et seq., § 5-11-101 et seq., § 5-12-101 et seq.,
3 ~~§ 5-13-201 et seq., § 5-13-301 et seq.,~~ § 5-13-201, § 5-13-202, § 5-13-204, §
4 5-13-211, § 5-13-310, and § 5-14-101 et seq.; ~~and~~

5 (b) ~~any~~ An offense containing as an element of
6 the offense the use of physical force, the threatened use of serious physical
7 force, the infliction of physical ~~harm~~ injury, or the creation of a
8 substantial risk of serious physical ~~harm~~ injury, and an offense for which
9 the offender is required to register as a sex offender under the Sex Offender
10 Registration Act of 1997, § 12-12-901 et seq.

11 ~~(iv)~~(iii) For the purpose of the sealing of a
12 criminal record under § 16-93-1207, “target group” includes any misdemeanor
13 conviction except a misdemeanor conviction for which the offender is required
14 to register as a sex offender or a misdemeanor conviction for driving while
15 intoxicated.

16 (B) Except for those offenders assigned to a technical
17 violator program, only those offenders ~~and offenses~~ falling within the target
18 group population may access community correction facilities whether by
19 judicial transfer, administrative transfer, drug court sanction, or probation
20 sanction.

21 (C) Final determination of eligibility for placement in
22 any community correction center or program is the responsibility of the
23 Division of Community Correction;
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