1	State of Arkansas	As Engrossed: H3/11/21	
2	93rd General Assembly	A Bill	
3	Regular Session, 2021		HOUSE BILL 1561
4			
5	By: Representative Gazaway	y	
6			
7		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.		
11			
12			
13		Subtitle	
14	CONC	CERNING THE DEFINITION OF "TARGET	
15	GROU	UP" AS IT APPLIES TO COMMUNITY	
16	CORF	RECTION.	
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19	BE IT ENACTED BY THE	GENERAL ASSEMBLY OF THE STATE OF ARK	KANSAS:
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21		cansas Code § 16-93-1202(10), concern	-
22		it is applied to community correction	on, is amended to
23	read as follows:		
24		Target group" means a group of c	
25		to be, but not limited to, theft, the	
26		ourglary, commercial burglary, failur	
27		edit cards, criminal mischief, breaki	0, 0
28		ng while intoxicated, fourth or subse	-
29		es, Class C felonies, or Class D felo	
30		rual and that meet the eligibility cr	•
31	•	to have significant impact on the us	
32		ontrolled substance felonies and Clas	
33	·	and all other unclassified felonies f	
34 35	-	as on a sentence do not exceed the property of the company of the	
36	•	and that are not either violent or a more of the following offenses without	·
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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	<u>5-37-301</u> 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	(1) Driving or boating while intoxicated, § 5		
18	65-103, fourth or subsequent offense;		
19	(m) Leaving the scene of an accident resulting		
20	<u>in death or injury, § 27-53-101;</u>		
21	(n) A Class C felony or Class D felony that i		
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)(Λ)(i) of		
34	this section are also included in the group.		
35	$\frac{\text{(iii)}(\text{ii})}{\text{(iii)}}$ As used in this subdivision (10)(A),		
36	"violent or sexual" includes:		

1	<u>(a)</u> all offenses <u>An offense</u> 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., and § 5-14-101 et seq., <u>§ 5-13-310,</u>		
4	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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25	/s/Gazaway		
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