

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

As Engrossed: S4/20/21

A Bill

SENATE BILL 633

5 By: Senator T. Garner
6

For An Act To Be Entitled

8 AN ACT TO AMEND THE SEX OFFENDER REGISTRATION ACT OF
9 1997; TO ADD TO THE LIST OF SEX OFFENDERS OR PERSONS
10 CHARGED WITH A SEX OFFENSE SUBJECT TO ELECTRONIC
11 MONITORING; AND FOR OTHER PURPOSES.
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Subtitle

14 TO AMEND THE SEX OFFENDER REGISTRATION
15 ACT OF 1997; AND TO ADD TO THE LIST OF
16 SEX OFFENDERS OR PERSONS CHARGED WITH A
17 SEX OFFENSE SUBJECT TO ELECTRONIC
18 MONITORING.
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22 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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24 SECTION 1. Arkansas Code § 12-12-923 is amended to read as follows:
25 12-12-923. Electronic monitoring of sex offenders.

26 (a)(1) Upon release from incarceration, ~~a sex offender determined to~~
27 ~~be a sexually dangerous person whose crime was committed after April 7, 2006,~~
28 is the following sex offenders are subject to electronic monitoring for a
29 period of not less than ten (10) years from the date of the sex offender's
30 release;

31 (A) A sex offender determined to be a sexually dangerous
32 person under § 12-12-918; and

33 (B) A sex offender adjudicated guilty of an aggravated sex
34 offense involving a minor.

35 (2) Within three (3) days after release from incarceration, a
36 sex offender subject to electronic monitoring under subdivision (a)(1) of



1 this section shall:

2 (A) Report to the agency responsible under § 12-12-915 for
3 supervising the sex offender; and

4 (B) Submit to the placement of electronic monitoring
5 equipment upon his or her body.

6 (b) The agency responsible under § 12-12-915 for supervising the sex
7 offender subject to electronic monitoring shall:

8 (1) Use a system that actively monitors and identifies the sex
9 offender's location and timely reports or records his or her presence near or
10 within a crime scene or in a prohibited area or his or her departure from
11 specified geographic limitations; and

12 (2) Contact the local law enforcement agency having jurisdiction
13 as soon as administratively feasible if the sex offender is in a prohibited
14 area.

15 (c)(1)(A) Unless a sex offender subject to electronic monitoring is
16 indigent, he or she is required to reimburse the supervising agency a
17 reasonable fee to defray the supervision costs.

18 (B)(i)(a) A sex offender who claims to be indigent shall
19 provide a completed certificate of indigency to the supervising agency.

20 (b) The supervising agency may at any time
21 review and redetermine whether a sex offender is indigent.

22 (ii) The certificate of indigency shall:

23 (a) Be in a form approved by the supervising
24 agency;

25 (b) Be executed under oath by the sex
26 offender; and

27 (c) State in bold print that a false statement
28 *is punishable as a Class D felony.*

29 (C) Upon a finding of indigency, the supervision costs of
30 an indigent sex offender shall be paid by the Division of Community
31 Correction, regardless of the identity of the supervising agency.

32 (2)(A) The supervising agency shall determine the amount to be
33 paid by a sex offender based on his or her financial means and ability to
34 pay.

35 (B) However, the amount under subdivision (c)(2)(A) of
36 this section shall not exceed fifteen dollars (\$15.00) per day.

1 (d) A sex offender subject to electronic monitoring who violates
2 subdivision (a)(2) of this section upon conviction is guilty of a Class C
3 felony.

4 (e)(1) A person who knowingly alters, tampers with, damages, or
5 destroys any electronic monitoring equipment worn by a sexually dangerous
6 person under this section upon conviction is guilty of a Class C felony.

7 (2) Subdivision (e)(1) of this section does not apply to the
8 owner of the electronic monitoring equipment or an agent of the owner
9 performing ordinary maintenance or repairs to the electronic monitoring
10 equipment.

11 (f)(1) The Parole Board, the Division of Community Correction, or a
12 circuit court may require, as a condition of a sex offender's release on
13 parole, probation, suspend imposition of sentence, court referral officer
14 supervision, or any other community-based correctional option, that any
15 person convicted of a sex offense be subject to electronic monitoring as
16 provided in this subchapter.

17 (2) A circuit court may require that a person charged with but
18 not yet convicted of a sex offense be subject to electronic monitoring as a
19 condition of the person's pretrial release.

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21 /s/T. Garner
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