

1 State of Arkansas
2 94th General Assembly
3 Regular Session, 2023
4

A Bill

HOUSE BILL 1745

5 By: Representatives Unger, Lundstrum
6 By: Senator M. McKee
7

For An Act To Be Entitled

9 AN ACT TO CREATE THE OFFENSE OF UNLAWFUL REMOVAL OR
10 FAILURE TO CHARGE AN ELECTRONIC MONITORING DEVICE;
11 AND FOR OTHER PURPOSES.
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Subtitle

15 TO CREATE THE OFFENSE OF UNLAWFUL REMOVAL
16 OR FAILURE TO CHARGE AN ELECTRONIC
17 MONITORING DEVICE.
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20 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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22 SECTION 1. Arkansas Code Title 5, Chapter 54, Subchapter 1, is amended
23 to add an additional section to read as follows:

24 5-54-123. Unlawful removal or failure to charge an electronic
25 monitoring device.

26 (a) As used in this section:

27 (1) "Electronic monitoring device" means an electronic device
28 approved by the Board of Corrections that meets the minimum Federal
29 Communications Commission regulations and requirements and that utilizes
30 available technology that is able to track a person's location and monitor
31 his or her location; and

32 (2) "Pending charge" means a charge that results from an arrest
33 or issuance of a citation or criminal summons, or after the filing of an
34 information or indictment, and that has not been resolved by acquittal,
35 conviction, dismissal, or nolle prosequi.

36 (b) A person commits unlawful removal or failure to charge an



1 electronic monitoring device if, being ordered to wear an electronic
2 monitoring device as a condition of probation, parole, or release on a
3 pending charge or disposition of a charge:

4 (1) The person knowingly removes the electronic monitoring
5 device from his or her body; or

6 (2) The person fails to properly charge the electronic
7 monitoring device and the failure to properly charge the electronic
8 monitoring device prevents the electronic monitoring device from tracking or
9 monitoring the person's location.

10 (c)(1) If the actor is on probation or parole, unlawful removal or
11 failure to charge an electronic monitoring device is a:

12 (A) Class D felony if the offense for which the person is
13 on probation or parole is a felony offense; or

14 (B) Class A misdemeanor if the offense for which the
15 person is on probation is a misdemeanor offense.

16 (2) If the actor is on release other than probation for a
17 pending charge or for disposition on a charge, unlawful removal or failure to
18 charge an electronic monitoring device is a:

19 (A) Class C felony if the pending charge or charge to be
20 disposed is a felony either before or after a determination of guilt of the
21 charge;

22 (B) Class A misdemeanor if the pending charge or charge to
23 be disposed is a Class A misdemeanor either before or after a determination
24 of guilt of the charge;

25 (C) Class B misdemeanor if the pending charge or charge to
26 be disposed is a Class B misdemeanor either before or after a determination
27 of guilt of the charge;

28 (D) Class C misdemeanor if the pending charge or charge to
29 be disposed is a Class C misdemeanor or violation either before or after a
30 determination of guilt of the charge; or

31 (E) Unclassified misdemeanor with the same penalty as the
32 unclassified misdemeanor in the pending charge or charge to be disposed if
33 the pending charge or charge to be disposed is an unclassified misdemeanor
34 either before or after a determination of guilt of the charge.

35 (d) Upon conviction for unlawful removal or failure to charge an
36 electronic monitoring device, a defendant shall be ordered to pay restitution

1 for the cost of repair or replacement of the electronic monitoring device if
2 the electronic monitoring device was damaged, lost, or destroyed.

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