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Forward

This is the fifth edition of the *Protocol Training Manual for the State Sex Offender Registry*. It is a comprehensive informational and instructional text designed for the Arkansas criminal justice community, particularly those who are in charge of the registration and community notification in their jurisdiction.

The responsibility for a statewide maintained data based registry was given to ACIC with the passage of the Sex and Child Offender Registration Act of 1997. During the 83rd and 84th Legislative sessions there were many changes that occurred therefore necessitating revisions of the original manual published in September of 2000. Since those changes were made, some minor adjustments needed to be added or deleted as procedures were reworked and protocols updated throughout the last several years necessitating yearly reviews of the manual.

In view of the fact that state law places the responsibility for public notification on the local level; the State Sex Offender Registry team has compiled this publication as a source of reference for law enforcement officers responsible for their local sex offender registry. We hope that this manual will be a valuable tool for all of the criminal justice agencies involved in the management of registered sex offenders.
Introduction

In 1994, the United States began a movement to better protect its citizens from the threat of sex offenders. This movement stemmed from a series of highly publicized incidents where the sex offender had a prior record of committing sexual offenses. This and the widely held perception that sex offenders pose a higher risk of re-offending than other types of criminals led to a host of legislation being passed in the United States in the 1990’s.

As part of the 1994 Violent Crime Control and Law Enforcement Act, the Jacob Wetterling Crimes Against Children and Sexually Violent Offenders Registration Act set forth guidelines for states to establish sex offender registries. Several legal issues were raised by this act in the U.S. Court System. These constitutional issues concerned due process rights, the Double Jeopardy and the Ex Post Facto Clauses of the Constitution, and, in a few cases, the right against cruel and unusual punishment in respect to the registration and notification provisions of the Jacob Wetterling Act.

In light of these legal issues, the Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration Act were amended twice in 1996. Megan’s Law and the Pam Lychner Act changed the Jacob Wetterling Act in two different ways. Megan’s Law refined the ways in which states could constitutionally notify the public about sex offenders in their state registries. The Pam Lychner Act set up a national sex offender database and provided assistance with sex offender registration and notification to those states unable to maintain sex offender programs of their own.

The federal statutes proscribed a relatively short period for the states to gain compliance with all of these provisions. This is especially difficult for the states, which not only had to design effective sex offender registration and notification programs that were capable of withstanding the legal challenges set forth in the federal statutes, but also had to meet the needs of the communities of the state. In 1997, the 82nd General Assembly of Arkansas passed Act 1353, the Sex and Child Offender Registration Act. This Act set forth the guidelines that Arkansas would use in creating its own sex offender database. The Arkansas Crime Information Center was charged with the creation and maintenance of the records of sex offenders kept in the Arkansas sex offender registry. The State Sex Offender Registry located in the Criminal History Division of the Arkansas Crime Information Center (ACIC), is responsible for the sex offender registry and tracking sex offenders who are required by law to register.

This manual is intended as a guide for law enforcement officials to the operation of the sex offender registry in Arkansas. Its purpose is to provide an overview of the sex offender registration and notification laws in the United States as it relates to the state of Arkansas. It will also provide an overview of the responsibilities and the duties of law enforcement agencies of Arkansas in relationship to sex offender registration and community notification.
Review of the Law

The Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration Act of 1994 began the United States’ movement to protect the public from sex offenders. Constitutional challenges to this act in the courts prompted the passage of both Megan’s Law and the Pam Lychner Act. This trilogy of laws and the court cases that made it necessary for these changes are discussed in this section. The impact of this legislation and court decisions will also be examined in relation to the sex offender laws in Arkansas.

Federal Legislation

- **1994 - Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration Act** - Enacted as a part of the Omnibus crime bill of 1994, the Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration Act established guidelines for states to track sex offenders. The Act required states to track sex offenders by confirming their place of residence annually for ten years after their release into the community or quarterly for the rest of their life if the sex offender was convicted of a violent sex crime.

- **Megan’s Law** - During the mid 1990’s every state and Washington DC passed a “Megan’s Law.” In January of 1996 Congress enacted Megan’s Law. The federal “Megan’s Law” provided for the public dissemination of information from state’s sex offender registries. The federal statute required State and local law enforcement agencies to release relevant information necessary to protect the public about persons registered under a State registration program established under the Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration Act. The federal law also provided that information collected under state registration programs could be disclosed for any purpose permitted under a State law.

- **1996 – The Pam Lyncher Sex Offender Tracking and Identification Act of 1996** - This law required the Attorney General to establish a national database for the FBI to track the location of a certain category of sex offenders. The law mandated these sex offenders living in a state without a minimally sufficient program to register with the FBI. The FBI was required to periodically verify sex offender addresses, and allowed for the dissemination of information necessary to protect the public or to federal, state and local officials responsible law enforcement activities or for running background checks pursuant to the National Child Protection Act. The law also contained provisions relating to notification of the FBI and state agencies when a mandated sex offender moved to another state.
• **1997 – The Jacob Wetterling Improvements Act** - Passed as part of the Appropriations Act of 1998, the Jacob Wetterling Improvements Act took several steps to amend provisions of the Jacob Wetterling Act.

  - It required that state courts, or acceptable alternative procurees or legal standards, be used to make a determination about whether a convicted sex offender should be considered a sexually violent offender.
  - It required registered offenders who change their state of residence to register under the new state’s laws.
  - It required registered offenders to register in the states where they worked or went to school if those states were different from their state of residence.
  - It directed states to participate in the national sex offender registry.
  - It extended sex offender registration requirements to sex offenders convicted in federal or military courts.

• **1998 – Protection of Children from Sexual Predators Act** - This Act contained several provisions:

  - Amended the federal criminal code making it illegal to use the mail or other means of interstate and foreign commerce to transmit materials used in the production of child pornography, to transmit specified personal information of minors with the intent to engage in illegal sexual activity, or to knowingly transmit obscene material to a child under the age of 16.
  - Increased penalties for several categories of federal crimes related to the sexual exploitation of children.
  - Required electronic communication service providers to report any knowledge of circumstances where a violation of a child pornography law was apparent to designated law enforcement agencies.
  - Freed electronic communication service providers from liability pursuant to their efforts to comply with this Act.
  - Directed the Bureau of Justice Assistance to carry out the SOMA (Sex Offender Management Assistance) program to help eligible states to comply with registration requirements.
  - Directed the FBI to create an investigative center to assist Federal, State and local authorities in investigating child abductions, mysterious disappearances of children, child homicide, and serial murder.
  - Prohibited federal funding to programs that gave federal prisoners access to the internet without supervision.
• **2000 – The Campus Sex Crimes Prevention Act** - Passed as part of the Victims of Trafficking and Violence Protection Act, the Campus Sex Crimes Prevention Act,

  o Required any person who was required to register in a state’s sex offender registry to notify the institution of higher education at which the sex offender worked or was a student of their status as a sex offender; and to notify the same institution if there was any change in their enrollment or employment status.

  o Required that the information collected as a result of this Act be reported promptly to local law enforcement and entered promptly into the appropriate state record systems.

  o Amended the Higher Education Act of 1965 to require institutions obligated to disclose campus security policy and campus crime statistics to also provide notice of how information concerning registered sex offenders could be obtained.

• **2003 – Prosecutorial Remedies and Other Tools to end the Exploitation of Children Today (PROTECT) Act**

  o Expanded supervised release provisions and increases penalties for some sex offenses.

  o Created a pilot program to run fingerprint checks on child service providers and volunteers to see if they had criminal records.

  o Authorized electronic surveillance for suspects of some sex crimes.

  o Eliminated a statute of limitations and pretrial release for selected sex crimes.

  o Required law enforcement agencies to report all missing persons up to the age of 21 to the National Crime Information Center.

  o Directed the Attorney General to appoint a national AMBER alert Coordinator.

  o Directed the AMBER alert Coordinator to establish standards for issuing alerts, the extent of alert dissemination and the appropriate geographic area for alerts, including the dissemination of information about the special needs of victims to appropriate public officials.

  o Authorized grant programs to develop communications and notifications systems along highways and assist states in the development and enhancement of alert systems.

  o Authorized Secret Service agents, at the request of state or local law enforcement officials to provide assistance in an investigation missing and exploited children.
o Prohibited producing or distributing images, under specified conditions, that depict a minor engaging in sexual conduct, even if no minor was involved in the production.

o Prohibited using or inducing a minor outside of the United States to engage in sexually explicit conduct for the propose of production of images for transportation to the United States.

o Required states to maintain a web site containing registry information.

o Required the Department of Justice to maintain a web site with links to each state web site (The Dru Sjodin National Sex Offender Public Web site).

o Authorized appropriations to help defray state costs for compliance with new sex offender registration provisions.

- **2006 - Adam Walsh Child Protection and Safety Act**
  
o Increases mandatory minimum sentences for sex offenders.

  o Upgrades sex offender registration and tracking provisions.

  o Increases penalties for internet crimes against children.

  o Strengthens child pornography prevention laws.

  o Establishes a Sex Offender Management Assistance (SOMA) program within the Justice Department to help jurisdictions implement the previous sections of the Act.

  o Creates the Office of Sex Offender Sentencing, Monitoring, Apprehending, Registering, and Tracking (SMART Office) in OJP to administer the standards for sex offender notification and registration, administer the grant programs authorized by the Adam Walsh Act, and coordinate related training and technical assistance.

  o Authorizes a Department of Justice grant program for jurisdictions to create or operate a civil commitment program for sex offenders.

  o Establishes a Bureau of Justice Assistance grant program for local law enforcement for hiring/training personnel, conducting investigations, or purchasing technology in an effort to combat child sexual abuse.

  o It must be noted, at this printing, the Sex Offender Registration and Notification Act (SORNA)/The Adam Walsh Act have not been adopted by the Arkansas Legislature.
Case Law

Since the passage of sex offender registration laws in the various states, there have been a number of legal challenges to the constitutionality of the provisions regarding both registration and community notification. By and large, the majority of those cases have resulted in verdicts upholding the states ability to require registration and community notification as a valid civil penalty that is acceptable in the scheme of protecting the citizens from the possibility of a sex offender committing additional offenses. The few legal challenges that have prevailed did not, and do not, affect Arkansas’s sex offender laws or system.

More recent challenges to the sex offender laws of Arkansas and other states have focused on narrower issues of constitutionality. This section is to apprise you of recent court decisions that involve the Arkansas statutory scheme.

Doe v. Miller, 405 F 3d. 700 (8th Cir. 2005) is a case from the 8th Circuit out of Iowa. Iowa’s law restricted residency of a sex offender to more than 2000 feet away from a school or child care center. The residency restrictions were challenged as being an unconstitutional infringement on certain rights alleged to be held by the offender. Additionally, the law was challenged as being a violation of the Ex Post Facto clause of the Constitution as it only applied to persons who were establishing residency after a date certain. The 8th Circuit Court of Appeals held that the residency restrictions were not unconstitutional and that the law did not amount to an ex post facto punishment of persons who committed offenses after the applicable date.

Weems v. Little Rock Police Department, 453 F.3d 1010 (8th Cir. 2006) is a case from the 8th Circuit that arose originally in Arkansas. In Weems, the offenders were challenging the residency restrictions contained in Arkansas’s sex offender statute as well as the legal requirements of registering in the first place. The Court upheld the Arkansas law finding that it did not violate either substantive due process or procedural due process or the equal protection clause of the Constitution. Additionally, the Court found the law did not violate any alleged right to interstate travel and was not an ex post facto punishment. Finally, the Court found the Arkansas law to be a valid non-punitive regulatory scheme designed to protect the public from sex offenders. As such, the assessment process was not an adversarial proceeding requiring a right to counsel or the right to confront witnesses.

In Mashburn v. State (Ark. App. 6-23-2004), the Arkansas Court of Appeals upheld the requirement that an offender must notify authorities of a change in employment within 10 days prior to the change absent an affirmative defense. Additionally, the Court held that loss of a job constitutes a change.
In *Flowers v. State*, 92 Ark. App. 377, 213 S.W. 3d 648 (2005), the Arkansas Court of Appeals held that there is no requisite mental state required to be found guilty of failing to register. The failure to register alone is sufficient for conviction.

*Arkansas Department of Correction v. Bailey*, 368 Ark. 518 (2007) was a challenge to the constitutionality of the Arkansas Sex Offender laws. Bailey was charged with a sex offense but was found guilty by reason of mental disease or defect. He argued that he should not have to register as a sex offender as he had not had his “day in court” and had not been found guilty. The Arkansas Supreme Court found the sex offender statute complies with due process requirements and generally adopted the reasoning of the 8th Circuit in the *Weems* case. The Court again noted that the purpose of the Sex Offender Registration Act is a nonpunitive scheme that is designed to protect the public by authorized and allowing community notification of the whereabouts of sex offenders. As the defense of not guilty by reason of mental disease or defect requires the defendant to admit to the actions he or she is alleged to have committed, the requirement that a defendant who has been acquitted on those grounds still register and be assessed is a legitimate state interest.

In *United States v. Manning*, 2007 U.S. Dist. LEXIS 12932 (W.D. Ark. February 23, 2007) The federal district court in the Western District of Arkansas denied an ex post facto challenge to SORNA (The Sex Offender Registration and Notification Act) and found that an allegation of not knowing what is required in terms of registration obligations does not create an excuse from the duty to register.

<table>
<thead>
<tr>
<th>Table 1</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Cases Pertaining to the Constitutionality of Registration and Notification Laws</strong></td>
</tr>
<tr>
<td><em>Doe v. Miller</em></td>
</tr>
<tr>
<td><em>Weems V Little Rock Police Department</em></td>
</tr>
<tr>
<td><em>Arkansas Department of Correction V. Bailey</em> 368 Ark. 518 (2007)</td>
</tr>
</tbody>
</table>

Arkansas uses the type of notification as guided by the Sex Offender Assessment Committee. The guidelines and procedures of this committee direct law enforcement agencies in releasing sex offender information to the public when necessary for the public’s protection.
Agency Policy

In 2009, law enforcement agencies in Arkansas were responsible for dealing with over 9,400 registered sex offenders that were in compliance, delinquent, address unknown, or other. “The police have long had access to the criminal records of those they police, and they or another state agency have often had the responsibility for maintaining the quality of recorded data” (Hebenton and Thomas 1997, 11). The innovation of sex offender registries is the concept that the sex offender is responsible for maintaining his or her information to the agency maintaining the sex offender registry (Hebenton and Thomas 1997, 11).

State legislatures provide “immunity from civil and criminal liability for any discretionary decision by the police to release or not release certain relevant information, except where gross negligence and bad faith can be demonstrated” (Hebenton and Thomas 1997, 18). Hebenton and Thomas further wrote that “any officer who unlawfully misuses registry information is subject to disciplinary procedures and heavy fines.” Sex offender registration and notification, especially the notification process, must be followed out to the letter of the law. Arkansas law enforcement agencies are granted immunity from civil liability in the Arkansas Code § 12-12-920.

Research on sex offender registration and notification laws has been limited in nature (Zevitz and Farkas 2000, 1). Zevitz and Farkas (2000) studied the Wisconsin’s sex offender notification program. In this study, survey research was incorporated to study the police, probation and parole officers, and the communities in the State of Wisconsin. They found that the Wisconsin public wanted more information than what was presently being supplied to them. In addition, law enforcement officers had problems carrying out the notification process, and notification increased the workload of probation and parole officers.

Matson and Lieb (1996) conducted a survey of law enforcement officials in Washington. Law enforcement agencies noted several advantages to sex offender registration and notification: 1) Provided better community surveillance, 2) Created better public awareness, 3) Deterred future crimes by the offender, and 4) Promoted child safety. Although law enforcement agents found several advantages to the registration and notification laws, they noted several disadvantages. Law enforcement agents felt that the laws created more work for agencies. Adding to this was the problems collecting information from courts and other agencies dealing with sex offender registration. Matson and Lieb found that there could be an overreaction to the notification of neighborhoods. This could lead to harassment and embarrassment of sex offenders or their families.

In Arkansas, the primary responsibilities of law enforcement agencies are the registration of sex offenders, the verification of offenders’ residences and community notification. The rest of this manual discusses two of these responsibilities and the ways in which law enforcement agencies can deal with sex offender registration and notification in the State of Arkansas. As well, the different status of sex offenders are discussed and the way in which ACIC and law enforcement agencies communicate on issues pertaining to registration and notification.
Record Maintenance Procedures
Registration Process

Pursuant to § 12-12-906, when a sex offender is determined guilty in a court of law, the offender is required to complete the sex offender registration form created by the Arkansas Crime Information Center. The registration form is generally completed while under the supervision of the Arkansas Department of Correction, the Department of Community Correction (in the case of an offender who is placed on probation, either the court clerk or the probation officer may submit the registration form to ACIC), the Arkansas State Hospital, or the Department of Human Services, Division of Youth Services. The completed registration form must be sent to ACIC within three (3) days after completion.

Law enforcement agencies are responsible for registering sex offenders who:
1. Move from one Arkansas jurisdiction to another;
2. Who have previously registered in Arkansas, moved to another state, and are returning to Arkansas; and
3. Those convicted in another state having moved to Arkansas.

If an offender is required to register in their state of conviction, that offender will be required to register in Arkansas. States differ on the offenses that constitute a sex offense, and thus, registration as a sex offender. It is possible for a convicted offender to not have to register as a sex offender in one state, and yet be obligated to register in another state if the offender moved there. The registration of sex offenders moving from one state to another is very important in terms of the national sex offender registry established by the Pam Lychner Act. An offender can only be registered in one state through the national sex offender registry maintained by the National Crime Information Center (NCIC).

When notified that a sex offender has established residence in an area, the local law enforcement agency with jurisdiction is required to inform the offender of their duty to register as a sex offender. The local police agency with jurisdiction must obtain the information required for registration from the offender, if the offender is not already registered. Within three (3) days of registering the sex offender, the law enforcement agency must send all of the information obtained from the offender to ACIC by mail or fax. ACIC also requires a photograph and two (2) sets of fingerprints from the sex offender if the offender is an out of state conviction, or is an in state conviction but does not have an Arkansas SID number, or is a juvenile adjudicated as delinquent in juvenile court. The fingerprints must be submitted on the red F.B.I. cards.

The registration form, shown in Figure 1, is a very critical part of the entire sex offender registration process. The sex offender registration form is essential to the sex offender registry so it must be as complete as possible, accurate and above all, legible.
Table 2  
Sex Offender Registration Form Information

<table>
<thead>
<tr>
<th>Item</th>
<th>Description</th>
<th>Method</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Signature of Offender</td>
<td>The offender <strong>must</strong> submit his/her signature at the time of registration. The form will be returned by ACIC to the agency if there is not a signature. The date is also very vital.</td>
</tr>
<tr>
<td>2</td>
<td>Sentencing court</td>
<td>Attach court documentation if available. This helps speed up the registration process. If it is an out of state court indicate here what state.</td>
</tr>
<tr>
<td>3</td>
<td>Registering Agency</td>
<td>The agency registering the offender should complete this area of the form in its entirety. The form will be returned if the information is missing.</td>
</tr>
<tr>
<td></td>
<td>Information</td>
<td></td>
</tr>
<tr>
<td>4</td>
<td>Victim Information</td>
<td>This information should be provided if known, especially the age of the victim. This is a state requirement.</td>
</tr>
<tr>
<td>5</td>
<td>Residence Address</td>
<td>The residence and mailing address (if different from residence) <strong>must</strong> be provided. The form will be returned to the registering agency if the information is missing.</td>
</tr>
<tr>
<td>6</td>
<td>Arrest information</td>
<td>The arresting agency information is vital to ACIC and SOSRA for accessing documentation of conviction and is required data entry.</td>
</tr>
</tbody>
</table>
Figure 1
Sex Offender Registration Form

State of Arkansas

Sex Offender Registration Form

Reporting this information is required by ACA §12-12-904. This form shall be sent to the Arkansas Crime Information Center within 3 days after completion for entry into the state and national Sex Offender Registration Files.

<table>
<thead>
<tr>
<th>Type or Print</th>
<th>Sentencing Court</th>
<th>Registered as:</th>
<th>Sex Offender</th>
<th>Sexually Violent Predator</th>
</tr>
</thead>
<tbody>
<tr>
<td>Offender’s Last Name</td>
<td>First Name</td>
<td>Middle Name</td>
<td>AKA or Alias Last Name</td>
<td>First Name</td>
</tr>
<tr>
<td>Date of Birth</td>
<td>Race</td>
<td>Sex</td>
<td>Height</td>
<td>Weight</td>
</tr>
<tr>
<td>State ID (Arkansas ID)</td>
<td>Driver’s License Number</td>
<td>EIC Card Number</td>
<td>Sex Offender Identification</td>
<td></td>
</tr>
</tbody>
</table>

Sex or Child Offense Information (If additional space is needed, list on separate sheet and attach to this form)

<table>
<thead>
<tr>
<th>Date of Arrest</th>
<th>Arresting Agency</th>
<th>Offense for which found guilty or convicted</th>
<th>Arrest Tracking Number</th>
</tr>
</thead>
<tbody>
<tr>
<td>Date of Arrest</td>
<td>Arresting Agency</td>
<td>Offense for which found guilty or convicted</td>
<td>Arrest Tracking Number</td>
</tr>
<tr>
<td>Date of Arrest</td>
<td>Arresting Agency</td>
<td>Offense for which found guilty or convicted</td>
<td>Arrest Tracking Number</td>
</tr>
</tbody>
</table>

Institute of Higher Education (Known or anticipated) (If currently attending/volunteering/employed, check here)

Name of Institution | Location |

Residence Address (Known or anticipated) | Mailing Address (If different from residence, for example P.O. Box)

Street Name, City, State, Zip | Street Name, City, State, Zip |

Name of Employer (Company and/or Individual)| Company Name, City, State, Zip |

Place of Employment

Name of Employer (Company and/or Individual) | Street Name, City, State, Zip |

Brief Description of the Crime(s) for which this registration is required

Acknowledgment by Offender

I hereby acknowledge that I have been advised of my duty to register as a sex or child offender, or sexually violent predator, as required by Arkansas ACA §12-12-904. I have also been advised that failure to regularly verify my address or failure to report any change of address as required under ACA §12-12-904 constitutes a Class C felony and may result in my subsequent arrest and prosecution.

(Required Information)

| Registering Agency or Detention | Census Enrollment? | Yes | No (optional) |
| Registering Agency or Detention | Address | City/County |
| Name (if limited) of official completing this form | Area Code & Phone # |

Signature of Offender

Date

This Form shall be filed or mailed to the Arkansas Crime Information Center, One Capitol Mall, Little Rock, AR 72201. FAX 501-683-5022. Failure to complete and forward to ACIC within 3 days after registering or being a Class B Misdemeanor under ACA §12-12-904.
Sex Offender Acknowledgment Form

Upon completion of the registration form, the registering agency should have the offender read and sign the state acknowledgement form (see figure 2). This form outlines the most relevant sections of the state and federal law regarding the responsibilities the offender has in the management of sex offenders. The latest version of the registration form and the acknowledgment form is on the ACIC web site and may be printed anytime for your use.
Figure 2
Sex Offender Acknowledgement Form

Read, sign and return this form to your local law enforcement agency

1. Pursuant to Act 989 of 1997, anyone convicted of a sex offense as defined by state and federal law are required to register prior to release from incarceration, placed on probation or upon entry to this state from another state. All offenders are required to provide fingerprints, photos, DNA and pay all fees pertaining to registration before or upon registration.

2. Pursuant to §12-12-909 (b), The Arkansas Crime Information Center (ACIC) requires the offender to report any changes in residence in person to the local law enforcement agency having jurisdiction. When changing residence and/or mailing address from within the state, this must be in writing, signed by the offender no later than ten (10) days before the offender establishes residence. If the offender moves here from another state and is required to register in the other state, the offender must report to the jurisdictional law enforcement agency to register within three (3) business days after establishing residency.

3. If the offender moves to another state or lives in Arkansas and works in another state, the offender must register in that state no later than ten (10) days before the offender establishes residency or employment in the new state. If the offender attends school, does volunteer work or is employed at any institute of higher education, the offender shall register with the law enforcement agency having jurisdiction over the campus. This may be a Department of Public Safety or the local law enforcement agency. A nonresident worker or student shall register in compliance with Pub. L. No. 109-248 as exists 01-01-07 no later than three (3) business days after establishing residency, employment or student status.

4. The offender is required to verify their residence within TEN (10) days after receipt of the Verification of Residency form which will be mailed to the offender’s home every six months after registration, or every 90 days depending on the offender’s assessment level. The Verification of Residency form must be taken in person to the local law enforcement agency having jurisdiction. This form cannot be mailed or faxed directly to ACIC by the offender.

5. All offenders are required to submit to a risk assessment to be completed by the Department of Correction Sex Offender Screening and Risk Assessment Program (SOSRA). The offender will be notified by certified mail of the location, date and time of the assessment. It is a Class C Felony to fail to appear for assessment or to not fully submit to the assessment process. The offender will be assessed as a default level 3 should this occur.

6. Pursuant to Act 330 of 2003, It is unlawful for a sex offender who is required to register under the Sex Offender Registration Act of 1997, § 12- 12-901 et seq. and who has been assessed as a Level 3 or Level 4 offender to reside within two thousand (2,000) feet of the property on which any public, private, secondary school or daycare facility is located. ACT 818 of 2007 includes public parks and youth centers and Act 394 of 2007 prohibits level 3 and level 4 offenders from residing within 2000 ft of the residence of his/ her victim or to have direct or indirect contact with his/ her victim for the purpose of harassment as defined under § 5-17-208.

7. Pursuant to Act 1779 of 2005, it is unlawful for a sex offender who is required to register under the Sex Offender Registration Act of 1997, §12-12-901 et seq., and who has been assessed as a level 3 or level 4 offender to engage in an occupation or participate in a volunteer position that requires the sex offender to work or interact primarily and directly with children under sixteen (16) years of age.

8. Pursuant to § 12-12-907 no later than ten (10) days after release from incarceration or after the date of sentencing, the offender shall report to the local law enforcement agency having jurisdiction to update registration information.

9. Pursuant to Title 18, United States Code, Section 2250, if a sex offender fails to register or fails to report a change in residence, employment or student status, and travels in or moves across state lines, the offender can be charged with a federal crime and punished by up to 10 years imprisonment. Pursuant to Act 392 of 2007 it is a Class D Felony to possess identification cards or driver’s licenses with incorrect physical addresses.

10. Pursuant to Act 992 of 2007 it is unlawful for a sex offender who is required to register under the Sex Offender Registration Act of 1997, § 12-12-901 et seq., and who has been assessed as a level 3 or level 4 offender to knowingly enter upon the campus of a public school except under certain circumstances listed in the act.

I have read and understand the above rules regarding my registration as a sex offender. I further acknowledge that my failure to comply with the requirements to register as a sex offender, to comply with any part of the assessment process, to report changes in address constitutes a Class C felony. I understand failure to comply could result in my arrest and/or prosecution.
Verification of Residency (VOR)

Once ACIC has received the completed initial registration form of a sex offender, that sex offender is responsible for verifying his or her address at least every six months thereafter. A sex offender’s residence is verified when the sex offender completes a Verification of Residency form (VOR) returns this form to the jurisdictional agency and that agency returns the form to ACIC and it is entered into the database. This section deals with the VOR form and how it affects the law enforcement agency. This section also outlines the procedures that a sex offender should follow if he or she changes address at anytime and how the local law enforcement agency with jurisdiction can assist that process.

A Verification of Residency form is sent to a sex offender’s last reported address every six months or every three months in the case of an offender who has been designated as a sexual violent predator. The VOR is addressed to a specific offender and the letter itself is non-forwardable. These letters will now be sent by certified mail in most cases. When the offender receives the Verification form, they must bring the completed form in person to the local law enforcement agency having jurisdiction within ten (10) days. If the offender fails to return the VOR form within ten (10) days after receipt of the form, the offender will be in violation of A.C.A. § 12-12-904, a Class D Felony.

A Notice of Request for Verification of Residency is also sent to the local law enforcement agency with jurisdiction. This form informs the agency that a sex offender is due to bring in a VOR form. Once the agency has received the VOR from the offender, that law enforcement agency is then responsible for sending the completed VOR form to ACIC within three (3) days. This form can be either mailed or faxed to ACIC. It is imperative that the enforcement agency makes sure that the VOR has been filled out in its entirety and that the sex offender has completed the form with his or her signature. Once the Verification of Residency form has been completed by the sex offender, the agency receiving the form must fill out and sign the bottom portion of the form. Anyone employed by the law enforcement agency may sign off on the VOR form; it is not restricted to sworn officers.

The Verification of Residency form is not to be duplicated by any agency other than ACIC. The VOR form is also not to be used by law enforcement for sex offenders who have not received a form at their address. This is one of the ways in which the ACIC ensures that an offender is still living at the same address. This form is to verify that the sex offender resides at the same address indicated at the top of the VOR form. It is permissible to make copies of a sex offender’s completed VOR form for records purposes, either for the law enforcement agency or for the sex offender.

If the offender reports to law enforcement that they have lost, misplaced, or not received the VOR, contact ACIC for a duplicate form. Please keep in mind that a duplicate VOR is temporary, once it is entered into the database the computer system will generate the regular VOR at the next designated date.
Figure 3
Verification of Residency Form

Arkansas Crime Information Center
State Sex Offender Registry
Verification of Residency Form

TO:

DATE:

You are required by ACT 989 of 1997 as amended to complete the following information and return this form in person to the law enforcement agency with jurisdiction where you reside (DO NOT MAIL THIS FORM) within ten (10) days. Failure to comply with these instructions may result in your arrest and prosecution. Failure to comply is a Class C Felony

Complete the following information (type or print clearly):

Name: ______________________________________________________________________________
Race: ___________________ Sex: ____________ DOB: __________________________
Social Security Number: ________________________________________________________________

I certify the above information to be true and correct: I have not changed my place of residency and/or mailing address from the address indicated above. In order to change your address you must request a change of address form at your local law enforcement agency.

Signature (required) ___________________________________________________________________ Date ________________________________________________________________________

Attention Law Enforcement Official: Please sign below & mail, email or FAX this completed form within 3 days of receipt to:

Arkansas Crime Information Center
One Capitol Mall
Little Rock, AR. 72201
TEL: 501-682-2222 FAX: 501-683-5592
Email: pstitz@acic.state.ar.us

Date form received by Law Enforcement: ______________________________________________________________________

Signature of officer/staff person (required) ___________________________________________________________________ Agency Name (required) ___________________________________________________________________
Sex Offender Change of Status

There are several ways that a sex offender’s status may change. These changes can range from an offender being incarcerated to an offender moving without notifying ACIC to the death of the sex offender. All of these situations impact how the law enforcement agency will handle sex offenders within their jurisdiction.

These changes in status will be relayed to the law enforcement agency with jurisdiction through the letter system. During the course of the sex offender registration process, the letter system, a number of letters and memorandums automatically generated by the ACIC sex offender registry record computer system, will be used to update the law enforcement agency on a given sex offender’s current status. This section discusses the different letters and memos that a law enforcement agency may receive. The majority of these letters call for no action on the part of the law enforcement agency; they act as updated information to the agency with jurisdiction. Generally the letters and memorandums that are sent are only to be placed into the offender’s file for future reference. These letters to law enforcement are computer generated and the register does not receive a copy of this information. In the ensuing pages, each type of change of status and the letter or memo that accompanies that change in status is examined.

Change of Address

Any time a sex offender changes addresses, the offender must notify through the local law enforcement agency with current jurisdiction by completing the state generated Change of Address form (see figure 4). This must be done ten (10) days in advance of establishing this new residency. That agency must fax, email or mail the completed and signed form to the State Sex Offender Registry at ACIC. The Change of Address form is available as a PDF file at www.acic.org or by contacting ACIC’s Sex Offender Registry. It is important that the offender’s signature is included on any Change of Address form. This helps exclude time consuming steps in the process of data entry of information. When a change of address is reported to the sex offender registry personnel and it is entered into the system, a letter is generated to report the residence changes to the law enforcement agency with jurisdiction and surrounding agencies as well as the agency with former jurisdiction.
# Change of Address Form

**Arkansas Crime Information Center**  
**State Sex Offender Registry**

**Change of Address Form for Registered Sex Offenders**

You must complete the following information and submit it immediately to the local law enforcement agency to which you report. The agency will mail or FAX this information to the Arkansas Crime Information in order for your record to be promptly updated. Failure to report any change of address as required by Act 989 of 1997 as amended constitutes a Class C Felony and may result in subsequent arrest and prosecution.

Please type or print clearly:

<table>
<thead>
<tr>
<th>Form completed by: _____________________________</th>
<th>Date form completed: ______________________</th>
</tr>
</thead>
<tbody>
<tr>
<td>(If other than offender) Jurisdictional Agency Name (at new place of residence): ____________________________</td>
<td></td>
</tr>
</tbody>
</table>

**Duplicate VOR Requested**  
Yes ☐ No ☐ (if the offender is delinquent, a duplicate VOR must be requested by jurisdictional agency)

<table>
<thead>
<tr>
<th>Offender’s Name: ______________________________________</th>
<th>Race: _________</th>
<th>Sex: _________</th>
</tr>
</thead>
<tbody>
<tr>
<td>Social Security No: ____________________________</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**Previous Address:**

<table>
<thead>
<tr>
<th>Street name or Rural Route &amp; box number</th>
</tr>
</thead>
<tbody>
<tr>
<td>City __________________________________</td>
</tr>
</tbody>
</table>

**Institute of Higher Education:**

Name of institution (if currently attending)

<table>
<thead>
<tr>
<th>Name of institution ____________________________</th>
</tr>
</thead>
</table>

**Place of Employment:**

Name of employer (company or individual)

<table>
<thead>
<tr>
<th>Address (street name, number or box number)</th>
</tr>
</thead>
<tbody>
<tr>
<td>City __________________________________</td>
</tr>
</tbody>
</table>

**Vehicle(s) Information:**

<table>
<thead>
<tr>
<th>Year/make/ model /color vehicle license number</th>
</tr>
</thead>
</table>

Name of registered owner if not your own

<table>
<thead>
<tr>
<th>New Mailing Address: (may use PO Box if not your residence)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Street name or Rural Route &amp; box or PO Box number</td>
</tr>
<tr>
<td>City __________________________________</td>
</tr>
<tr>
<td>Telephone No. ( ) ________________________________</td>
</tr>
</tbody>
</table>

**New Place of Residence: If different from new mailing address:**

(DO NOT use Post Office Box for residential address)

<table>
<thead>
<tr>
<th>Street name or Rural Route &amp; Box number</th>
</tr>
</thead>
<tbody>
<tr>
<td>City __________________________________</td>
</tr>
</tbody>
</table>

**If new place of residence has been physically verified, sign below:**

<table>
<thead>
<tr>
<th>Law enforcement official only date verified</th>
</tr>
</thead>
</table>

Signature of Offender (required)  
Date signed
Delinquent Sex Offenders

A sex offender becomes delinquent when he/she fails to verify his or her place of residency by not submitting the verification form (figure 2) to the jurisdictional agency. The Delinquent Verification of Residency letter is automatically generated by the ACIC computer system and sent to the local law enforcement agency having jurisdiction. This lets the agency with jurisdiction know that the offender has not brought in his VOR on time.

The agency will be asked to confirm if the offender has delivered a VOR to the office and, if not, it is the agency’s responsibility to pursue prosecution of the sex offender under Arkansas Criminal Code § 12-12-904. Violation of this law is a Class C Felony. Once a sex offender becomes delinquent, no VOR will be generated until the offender is back in compliance. If an agency locates a delinquent sex offender and wants to request that a duplicate VOR letter be sent to him or her, ACIC must be contacted and a request made by the jurisdictional agency. A duplicate VOR is then generated by ACIC and sent to the offender at the address of record. **The law enforcement agency cannot generate this letter themselves; it must originate from ACIC to the offender’s address.**

Figure 5 displays a sample of the Delinquent Verification of Residency letter.
TO:  

SUBJECT:  

DATE:  

The above name subject was mailed a "Verification of Residency" form, which the Arkansas Crime Information Center is required to send out every three months to verify the address of this registered sexually violent predator. The form must be completed by the subject and delivered in person to your office. Your office then forwards the "Verification of Residency" form to ACIC.

According to our records, the form has not been received by ACIC. Please confirm if the subject ever delivered it to you. If the form has not been returned to you, this offender may be in violation of Act 989 of 1997 as amended, which is a class D felony.

Arkansas Crime Information Center  
One Capitol Mall  
Little Rock, AR 72201  
Telephone: 501-682-2222  
Fax: 501-682-2269
Address Unknown (absconder)

The Address Unknown Notice is sent out when a sex offender’s address is unknown for any reason. This generally occurs when the offender moves without notifying local law enforcement or ACIC. ACIC must be notified immediately of this status change. By the same token, ACIC must be notified if a law enforcement agency finds an offender whose address was previously unknown. When a sex offender’s address is unknown and information is given to ACIC by the local agency, this information is entered into the registry record and a letter is electronically generated and mailed to the jurisdictional agency.

No further Verification of Residency forms will be generated until the sex offender is back in compliance. Failure to comply with this and other violations of the registry law is a Class C Felony and should be reported to the local prosecutor for a warrant. Since passage of the Adam Walsh Act of 2006, it is possible to request the assistance of the U.S. Marshal’s Service for federal prosecution as well. Local law enforcement officials may contact their local U.S. Attorney’s Office for information.
This is to advise you that the named registered sex offender has moved and has not advised the Arkansas Crime Information Center of his/her new address. This person may be in violation of ACT 989 of 1997 as amended. You may wish to review this matter with your prosecuting attorney.

No additional VERIFICATION OF RESIDENCY FORMS will be forwarded.

Should you develop information concerning where this sex offender has moved, please contact the Arkansas Crime Information Center.
Notice of Relocation

Any time that a registered sex offender changes his or her address, the offender must inform either ACIC or their local law enforcement agency. This is the same whether or not the move is in-state or out-of-state. Anytime a sex offender’s address is added or changed in the system, the Notice of Relocation letter is generated. It is sent to the local law enforcement agency having jurisdiction and all agencies within that county. This allows the law enforcement agency to better monitor the whereabouts of an offender. This is the only form that is sent to all law enforcement agencies in an area.

Information contained on the Notice of Relocation includes all of the sex offender’s information. Included is this information is: the offender’s name, date of birth, race, FBI # (for the national registry), Arkansas SID, address, date of address, and the offense that the sex offender committed. This information is shown in Figure 7 on the next page.
NOTICE OF RELOCATION

TO:

DATE:

RE: Notification of Sex Registrant Moving to Your Area

Dear Sir/Ms.:

The individual below has been found guilty of a sex crime which requires registration in Arkansas. The Registration Program has been notified that the following subject may be living in your area.

Name:
Date of Birth:
Race:
FBI#:
 Arkansas SID:
Address:
Date of Address:
Offense:

For further offense information, use the QR transaction to acquire complete Criminal History. For further Registration information, please contact the Registration Program at the following address:

Arkansas Crime Information Center
One Capitol Mall
Little Rock, AR 72201
Telephone: 501-682-2222
Fax: 501-682-2269
Transfer of Jurisdiction

If a sex offender moves from one jurisdiction to another within the state, a Transfer of Jurisdiction Notice (see figure 8) is generated and sent to the law enforcement agency having former jurisdiction. This lets the agency know that a sex offender is no longer in the area. A sample of this letter is on the next page in Figure 7. The basic information on the form is the sex offender’s name and the date the notice was generated. This notice is to be placed into the offender’s file.
DATE:

This is to advise you that the above named registered sex offender has relocated to another jurisdiction.

For current information on this offender, please check the State Sex Offender Registration File.

Arkansas Crime Information Center
One Capitol Mall
Little Rock, AR 72201
Telephone: 501-682-2222
Fax: 501-682-2269
Incarceration

A sex offender’s status may also change when the offender is incarcerated for any offense. It does not matter if the offender is detained in a jail or a prison. The agency with jurisdiction is obligated to notify ACIC immediately in the event that the sex offender is incarcerated or released from incarceration. This information may be faxed, emailed or mailed to ACIC. The preference in this case of information would be that the agency would email this information. Whenever ACIC is informed that a registered sex offender has been incarcerated, a Notice of Incarceration letter is generated and sent to the local law enforcement agency having jurisdiction. If the jurisdictional agency has knowledge of the release of the offender from incarceration, they need to notify ACIC immediately in order for the offender to be updated in the registry record.

A copy of a Notice of Incarceration form is located on the next page in Figure 9. Only two pieces of information are located on the form: the sex offender’s name and the date. This form is to be put into the offender’s file. ACIC will notify the law enforcement agency when, or if, the offender returns to the agency’s jurisdiction.
DATE:

This is to advise you that the above named registered sex offender is currently incarcerated. No additional VERIFICATION OF RESIDENCY FORMS will be forwarded until he/she is released.

Should this sex offender return to your area you will be notified as soon as this information has been made available to the Arkansas Crime Information Center.

If any additional information is needed, please contact the Arkansas Crime Information Center.
Termination of Obligation to Register

Pursuant to the Arkansas Criminal Code (§ 12-12-919), the duration of registration for an adult sex offender is a minimum fifteen (15) years. In the case of juvenile offenders adjudicated in juvenile court that requirement is ten (10) years or until they turn 21 years of age, whichever is longer. Some adult offenders are then permitted to petition the court for a termination of requirement to register. Other adult offenders are required by law to register for life.

A registered sex offender may also be removed if a judge vacates, sets aside or reverses the conviction or if the offender is pardoned by the Governor.

If a petition for termination of obligation to register is granted, the court will send ACIC a court order to that effect. A Registration Not Required Notice is then sent to the law enforcement agency with jurisdiction. The sex offender’s record is removed from the active file. Law enforcement agencies still retain the right to access the offender’s file for investigative purposes. Figure 10 shows the information available on the Registration Not Required Notice.
REGISTRATION NOT REQUIRED NOTICE

TO:       SUBJECT:

DATE:

This is to advise you that the above named person has been removed from the State Sex Offender Registration Program by an order from the court.

If any additional information is needed, please contact the Arkansas Crime Information Center.

Arkansas Crime Information Center
One Capitol Mall
Little Rock, AR 72201
Telephone: 501-682-2222
Fax: 501-682-2269
Death of Offender

In the case that the sex offender dies, the agency with jurisdiction is obligated to notify ACIC immediately. This information can be mailed, faxed or emailed to ACIC, but it must be on the agency’s letterhead or government email address. Whenever ACIC is informed that a registered sex offender has died and has obtained the proper documentation (copy death certificate, police report or similar record), this information is then entered into the registry record at which time, a Deceased Sex Offender Notice letter is generated and sent to the local law enforcement agency having jurisdiction. This letter is merely to be put in the deceased sex offender’s file. A sample of the Sex Offender Deceased Notice is provided on the next page with Figure 11.
DATE:

This is to advise you that the Arkansas Crime Information Center has been notified that the named registered sex offender is deceased.

If any additional information is needed, please contact the Arkansas Crime Information Center.
Conclusion

Law enforcement and record keeping agencies have been given little guidance and support to develop, test, and maintain sex offender registration and notification systems. Although states are continually learning from each other, there is still much that must be done before efficient and effective registration and notification systems can be put into place. This procedure manual is designed to help the process of making the Arkansas sex offender registration and notification system both more efficient and more effective. This manual does so by examining Arkansas’ registration and notification system in relation to the policing agencies dealing with sex offenders on a daily basis.

This manual is to serve as a guide for Arkansas law enforcement agencies that have to deal with the sex offender registration and notification system. This manual has examined the creation of the sex offender registration and notification laws in the United States, as well as looked at the results of these laws on the states who have to enforce these laws. It has presented the responsibilities and duties of the law enforcement agencies with regards to the sex offender registry. This manual has also presented an overview of the different types of forms (the Registration form, Verification of Residency form, and the letters than can be generated from the letter system) that a law enforcement agency can expect to see regarding sex offender registration and how to process the different forms and/or letters.
References


Cases Cited

Doe v. Miller, 405 F 3d. 700 (8th Cir. 2005)

Weems v. Little Rock Police Department, 453 F.3d 1010 (8th Cir. 2006)


Arkansas Department of Correction v. Bailey, 368 Ark. 518 (2007)

Appendix A - Frequently Asked Questions

1. **Q. What do I do if the offender has a new address?**

   A. Fax or mail the new address information to the Arkansas Crime Information Center. ACIC has a 'change of address' form available on our web site to use for this purpose.

2. **Q. What if the offender needs a Verification of Residency form?**

   A. Contact the Sex Offender Registry at the Arkansas Crime Information Center and inform them of the situation. ACIC will then mail the sex offender a duplicate Verification of Residency form. This form MUST not be duplicated by the local agency for any reason, this form must come from ACIC to the offender.

3. **Q. If a neighbor, school, real estate agency, or interested citizen wants to know if Mr. Doe is a sex offender, can we tell them?**

   A. Refer to the Sex Offender Guidelines and Procedures promulgated by the Sex Offender Assessment Committee.

4. **I need to know if Mr. Doe is a sex offender (for law enforcement purposes) or if we need to register him or her. How do I find out?**

   A. If a sex offender is currently registered, a caveat will be on his/her driver’s license information via ACIC/NCIC terminal transaction SQW. This will also give you a CSN number which you can then run the QSOF transaction for further information. You may also contact the Sex Offender Registry personnel.

5. **Q. What do I do if a sex offender from another state sets up residence in Arkansas and is not currently registered?**

   A. Have the sex offender fill out a registration form, two (2) F.B.I. fingerprint cards, and take a photograph. Send all of this information to ACIC. If this person has been here longer than 3 business days and is aware that he/she must register, you can request a warrant and charge the offender with failure to comply, a Class C Felony.

6. **Q. The sex offender has a warrant out for his or her arrest for failure to register. do I need to notify the sex offender registry?**

   A. You only need to notify the registry if the offender is currently in custody for that charge or is classified as having an unknown address.
7.  **Q.** When is a sex offender no longer required to register as a sex offender?

   A.  After 15 years some offenders can petition the court to terminate his or her obligation to register. Some offenders are required by federal law to have lifetime registration. These offenders are not permitted to petition any time. However they could conceivably be removed by order of a court through a vacation, judgment set aside or dismissed or the Governor could issue a pardon.

8.  **Q.** When do I send the fingerprint card in?

   A.  You are required to send the fingerprint card (red FBI cards) when the offender does not have an Arkansas SID or an FBI number.
Appendix B-Arkansas Code
Copyright by the State of Arkansas
Including Acts Passed during the 2009 Regular Session of the Arkansas General Assembly

Title 12
Law Enforcement, Emergency Management, And Military Affairs

Chapter 12
Crime Reporting And Investigations

Subchapter 9 — Sex Offender Registration Act of 1997

12-12-901. Title.
12-12-902. Legislative findings.
12-12-903. Definitions.
12-12-904. Failure to comply with registration and reporting requirements — Refusal to cooperate with assessment process.
12-12-905. Applicability.
12-12-906. Duty to register or verify registration generally — Review of requirements with offenders.
12-12-907. Report to Arkansas Crime Information Center — Report to law enforcement agency.
12-12-908. Registration format — Requirements.
12-12-909. Verification form — Change of address.
12-12-910. Fine.
12-12-911. Sex and Child Offenders Registration Fund.
12-12-912. Arrests for violations.
12-12-913. Disclosure.
12-12-914. Notice of release.
12-12-915. Authority — Rules.
12-12-916. Publication and notice of obligation to register.
12-12-917. Evaluation protocol — Sexually violent predators — Juveniles adjudicated delinquent — Examiners.
12-12-918. Classification as sexually violent predator.
12-12-919. Termination of obligation to register.
12-12-920. Immunity from civil liability.
12-12-921. Sex Offender Assessment Committee.
12-12-923. Electronic monitoring of sex offenders.
12-12-901. Title.

This subchapter shall be known and may be cited as the “Sex Offender Registration Act of 1997”.


12-12-902. Legislative findings.

The General Assembly finds that sex offenders pose a high risk of reoffending after release from custody, that protecting the public from sex offenders is a primary governmental interest, that the privacy interest of persons adjudicated guilty of sex offenses is less important than the government's interest in public safety, and that the release of certain information about sex offenders to criminal justice agencies and the general public will assist in protecting the public safety.


12-12-903. Definitions.

As used in this subchapter:

1. “Adjudication of guilt” or other words of similar import mean a:
   (A) Plea of guilty;
   (B) Plea of nolo contendere;
   (C) Negotiated plea;
   (D) Finding of guilt by a judge; or
   (E) Finding of guilt by a jury;

2. (A) “Administration of criminal justice” means performing functions of investigation, apprehension, detention, prosecution, adjudication, correctional supervision, or rehabilitation of accused persons or criminal offenders.
   (B) “Administration of criminal justice” also includes criminal identification activities and the collection, maintenance, and dissemination of criminal justice information;

3. “Aggravated sex offense” means an offense in the Arkansas Code substantially equivalent to “aggravated sexual abuse” as defined in 18 U.S.C. § 2241 as it existed on March 1, 2003, which principally encompasses:
   (A) Causing another person to engage in a sexual act:
      (i) By using force against that other person; or
      (ii) By threatening or placing, or attempting to threaten or place, that other person in fear that any person will be subjected to death, serious bodily injury, or kidnapping;
   (B) Knowingly:
      (i) Rendering another person unconscious and then engaging in a sexual act with that other person; or
(ii) Administering to another person by force or
threat of force, or without the knowledge or permission of that person, a drug, intoxicant,
or similar substance and thereby:

(a) Substantially impairing the ability of
that other person to appraise or control conduct; and

(b) Engaging or attempting to engage in
a sexual act with that other person; or

(C) Crossing a state line with intent to:

(i) Engage or attempt to engage in a sexual act with a
person who has not attained twelve (12) years of age;

(ii) Knowingly engage or attempt to engage in a
sexual act with another person who has not attained twelve (12) years of age; or

(iii) Knowingly engage or attempt to engage in a
sexual act under the circumstances described in subdivisions (3)(A) and (B) of this
section with another person who has attained twelve (12) years of age but has not attained
sixteen (16) years of age and is at least four (4) years younger than the alleged offender;

(4) “Change of address” or other words of similar import mean a change of
residence or a change for more than thirty (30) days of temporary domicile, change of
location of employment, education or training, or any other change that alters where an
offender regularly spends a substantial amount of time;

(5) “Criminal justice agency” means a government agency or any subunit
thereof which is authorized by law to perform the administration of criminal justice and
which allocates more than one-half (½) of its annual budget to the administration of
criminal justice;

(6) “Local law enforcement agency having jurisdiction” means the:

(A) Chief law enforcement officer of the municipality in which
an offender:

(i) Resides or expects to reside;
(ii) Is employed; or
(iii) Is attending an institution of training or
education; or

(B) County sheriff, if:

(i) The municipality does not have a chief law
enforcement officer; or

(ii) An offender resides or expects to reside, is
employed, or is attending an institution of training or education in an unincorporated area
of a county;

(7) “Mental abnormality” means a congenital or acquired condition of a
person that affects the emotional or volitional capacity of the person in a manner that
predisposes that person to the commission of criminally sexual acts to a degree that
makes the person a menace to the health and safety of other persons;

(8) “Personality disorder” means an enduring pattern of inner experience and
behavior that:

(A) Deviates markedly from the expectation of the person's
culture;
(B) Is pervasive and inflexible across a broad range of personal and social situations;

(C) Leads to clinically significant distress or impairment in social, occupational, or other important areas of functioning;

(D) Is stable over time;

(E) Has its onset in adolescence or early adulthood;

(F) Is not better accounted for as a manifestation or consequence of another mental disorder; and

(G) Is not due to the direct physiological effects of a substance or a general medical condition;

(9) “Predatory” describes an act directed at a stranger or a person with whom a relationship has been established or promoted for the primary purpose of victimization of that person or individuals over whom that person has control;

(10)(A) “Residency” means the place where a person lives notwithstanding that there may be an intent to move or return at some future date to another place.

(B) “Residency” also includes place of employment, training, or education;

(11) “Sentencing court” means the judge of the court that sentenced the offender for the sex offense;

(12)(A) “Sex offense” includes, but is not limited to:

(i) The following offenses:

(a) Rape, § 5-14-103;

(b) Sexual indecency with a child, § 5-14-110;

(c) Sexual assault in the first degree, § 5-14-124;

§ 5-14-125;

(d) Sexual assault in the second degree, § 5-14-126;

(e) Sexual assault in the third degree, § 5-14-127;

(f) Sexual assault in the fourth degree, § 5-14-128;

(g) Incest, § 5-26-202;

(h) Engaging children in sexually explicit conduct for use in visual or print medium, § 5-27-303;

(i) Transportation of minors for prohibited sexual conduct, § 5-27-305;

(j) Employing or consenting to the use of a child in a sexual performance, § 5-27-402;

(k) Pandering or possessing visual or print medium depicting sexually explicit conduct involving a child, § 5-27-304;

(l) Producing, directing, or promoting a sexual performance by a child, § 5-27-403;

(m) Promoting prostitution in the first degree, § 5-70-104;
sentencing court to register as a sex offender, § 5-71-229;
(o) Indecent exposure, § 5-14-112, if a
felony level offense;
(p) Exposing another person to human
immunodeficiency virus when ordered by the sentencing court to register as a sex
offender, § 5-14-123;
(q) Kidnapping pursuant to § 5-11-
102(a) when the victim is a minor and the offender is not the parent of the victim;
(r) False imprisonment in the first degree
and false imprisonment in the second degree, §§ 5-11-103 and 5-11-104, when the victim
is a minor and the offender is not the parent of the victim;
(s) Permitting abuse of a minor pursuant
to § 5-27-221;
(t) Computer child pornography, § 5-27-
603;
(u) Computer exploitation of a child in
the first degree, § 5-27-605(a);
(v) Permanent detention or restraint
when the offender is not the parent of the victim, § 5-11-106;
(w) Distributing, possessing, or viewing
of matter depicting sexually explicit conduct involving a child, § 5-27-602;
(x) Computer child pornography, § 5-27-
603;
(y) Computer exploitation of a child, § 5-
27-605;
(z) Internet stalking of a child, § 5-27-
306;
(aa) Crime of video voyeurism, § 5-16-
101, if a felony level offense;
(bb) Voyeurism, § 5-16-102, if a felony
level offense; and
(cc) Any felony-homicide offense under
§ 5-10-101, § 5-10-102, or § 5-10-104 if the underlying felony is an offense listed in
subdivisions (12)(A)(i)(a)-(y ) of this section;
(ii) An attempt, solicitation, or conspiracy to commit
any of the offenses enumerated in subdivision (12)(A)(i) of this section; and
(iii) An adjudication of guilt for an offense of the
law of another state, for a federal offense, for a tribal court offense, or for a military
offense:

(a) Which is similar to any of the
offenses enumerated in subdivision (12)(A)(i) of this section;
(b) When that adjudication of guilt
requires registration under another state's sex offender registration laws; or
(c) A violation of any former law of this state that is substantially equivalent to any of the offenses enumerated in this subdivision (12)(A).

(B)(i) The sentencing court has the authority to order the registration of any offender shown in court to have attempted to commit or to have committed a sex offense even though the offense is not enumerated in subdivision (12)(A)(i) of this section.

(ii) This authority applies to sex offenses enacted, renamed, or amended at a later date by the General Assembly unless the General Assembly expresses its intent not to consider the offense to be a true sex offense for the purposes of this subchapter;

(13)(A) “Sex offender” means a person who is adjudicated guilty of a sex offense or acquitted on the grounds of mental disease or defect of a sex offense.

(B) Unless otherwise specified, “sex offender” includes those individuals classified by the court as “sexually violent predators”;

(14) “Sexually violent offense” means any state, federal, tribal, or military offense which includes a sexual act as defined in 18 U.S.C. §§ 2241 and 2242 as they existed on March 1, 2003, with another person if the offense is nonconsensual regardless of the age of the victim; and

(15) “Sexually violent predator” means a person who has been adjudicated guilty or acquitted on the grounds of mental disease or defect of a sexually violent offense and who suffers from a mental abnormality or personality disorder that makes the person likely to engage in predatory sexually violent offenses.


12-12-904. Failure to comply with registration and reporting requirements — Refusal to cooperate with assessment process.

(a)(1)(A) A person is guilty of a Class C felony who:

(i) Fails to register or verify registration as required under this subchapter;

(ii) Fails to report a change of address, employment, education, or training as required under this subchapter; or

(iii) Refuses to cooperate with the assessment process as required under this subchapter.

(B)(i) Upon conviction, a sex offender who fails or refuses to provide any information necessary to update his or her registration file as required by § 12-12-906(b)(2) is guilty of a Class C felony.

(ii) If a sex offender fails or refuses to provide any information necessary to update his or her registration file as required by § 12-12-906(b)(2), as soon as administratively feasible the Department of Correction, the Department of Community Correction, the Arkansas State Hospital, or the Department of Human Services shall contact the local law enforcement agency having jurisdiction to report the violation of subdivision (a)(1)(B)(i) of this section.
(2) It is an affirmative defense to prosecution if the person:
   (A) Delayed reporting a change in address because of:
      (i) An eviction;
      (ii) A natural disaster; or
      (iii) Any other unforeseen circumstance; and
   (B) Provided the new address to the Arkansas Crime Information Center in writing no later than five (5) business days after the person establishes residency.

(b) Any agency or official subject to reporting requirements under this subchapter that knowingly fails to comply with the reporting requirements under this subchapter is guilty of a Class B misdemeanor.


12-12-905. Applicability.

(a) The registration or registration verification requirements of this subchapter apply to a person who:
   (1) Is adjudicated guilty on or after August 1, 1997, of a sex offense, aggravated sex offense, or sexually violent offense;
   (2) Is serving a sentence of incarceration, probation, parole, or other form of community supervision as a result of an adjudication of guilt on or after August 1, 1997, for a sex offense, aggravated sex offense, or sexually violent offense;
   (3) Is acquitted on or after August 1, 1997, on the grounds of mental disease or defect for a sex offense, aggravated sex offense, or sexually violent offense;
   (4) Is serving a commitment as a result of an acquittal on or after August 1, 1997, on the grounds of mental disease or defect for a sex offense, aggravated sex offense, or sexually violent offense; or
   (5) Was required to be registered under the Habitual Child Sex Offender Registration Act, former § 12-12-901 et seq.

(b) A person who has been adjudicated guilty of a sex offense and whose record of conviction will be expunged under the provisions of §§ 16-93-301 — 16-93-303 is not relieved of the duty to register or verify registration.

(c)(1) If the underlying conviction of the registrant is reversed, vacated, or set aside or if the registrant is pardoned, the registrant is relieved from the duty to register or verify registration.

    (2) Registration or registration verification shall cease upon the receipt and verification by the Arkansas Crime Information Center of documentation from the:
       (A) Court verifying the fact that the conviction has been reversed, vacated, or set aside; or
       (B) Governor's office that the Governor has pardoned the registrant.

12-12-906. Duty to register or verify registration generally — Review of requirements with offenders.

(a)(1)(A)(i) At the time of adjudication of guilt, the sentencing court shall enter on the judgment and commitment or judgment and disposition form that the offender is required to register as a sex offender and shall indicate whether the:

(a) Offense is an aggravated sex offense;
(b) Sex offender has been adjudicated guilty of a prior sex offense under a separate case number; or
(c) Sex offender has been classified as a sexually violent predator.

(ii) If the sentencing court finds the offender is required to register as a sex offender, then at the time of adjudication of guilt the sentencing court shall require the sex offender to complete the sex offender registration form prepared by the Director of the Arkansas Crime Information Center pursuant to § 12-12-908 and shall forward the completed sex offender registration form to the Arkansas Crime Information Center.

(B)(i) The Department of Correction shall ensure that a sex offender received for incarceration has completed the sex offender registration form.

(ii) If the Department of Correction cannot confirm that the sex offender has completed the sex offender registration form, the Department of Correction shall require the sex offender to complete the sex offender registration form upon intake, release, or discharge.

(C)(i) The Department of Community Correction shall ensure that a sex offender placed on probation or another form of community supervision has completed the sex offender registration form.

(ii) If the Department of Community Correction cannot confirm that the sex offender has completed the sex offender registration form, the Department of Community Correction shall require the sex offender to complete the sex offender registration form upon intake, release, or discharge.

(D)(i) The Arkansas State Hospital shall ensure that the sex offender registration form has been completed for any sex offender found not guilty by reason of insanity and shall arrange an evaluation by Sex Offender Screening and Risk Assessment.

(ii) If the Arkansas State Hospital cannot confirm that the sex offender has completed the sex offender registration form, the Arkansas State Hospital shall ensure that the sex offender registration form is completed for the sex offender upon intake, release, or discharge.

(2)(A) A sex offender moving to or returning to this state from another jurisdiction shall register with the local law enforcement agency having jurisdiction within three (3) business days after the sex offender establishes residency in a municipality or county of this state.

(B)(i) Any person living in this state who would be required to register as a sex offender in the jurisdiction in which he or she was adjudicated guilty of a sex offense shall register as a sex offender in this state whether living, working, or attending school or other training in Arkansas.

(C) A sex offender sentenced and required to register outside of Arkansas shall:

(i) Submit to assessment by Sex Offender Screening and Risk Assessment;

(ii) Provide a deoxyribonucleic acid (DNA) sample if a sample is not already accessible to the State Crime Laboratory; and

(iii) Pay the mandatory fee of two hundred fifty dollars ($250) to be deposited into the DNA Detection Fund established by § 12-12-1119.

(b)(1) The registration file of a sex offender who is confined in a correctional facility or serving a commitment following acquittal on the grounds of mental disease or defect shall be inactive until the registration file is updated by the department responsible for supervision of the sex offender.

(2) Immediately prior to the release or discharge of a sex offender or immediately following a sex offender's escape or his or her absconding from supervision, the Department of Correction, the Department of Community Correction, the Arkansas State Hospital, or the Department of Human Services shall update the registration file of the sex offender who is to be released or discharged or who has escaped or has absconded from supervision.

(c)(1)(A) When registering a sex offender as provided in subsection (a) of this section, the sentencing court, the Department of Correction, the Department of Community Correction, the Arkansas State Hospital, the Department of Human Services, or the local law enforcement agency having jurisdiction shall:

(i) Inform the sex offender of the duty to submit to assessment and to register and obtain the information required for registration as described in § 12-12-908;

(ii) Inform the sex offender that if the sex offender changes residency within the state, the sex offender shall give the new address and place of employment, education, higher education, or training to the Arkansas Crime Information Center in writing no later than ten (10) days before the sex offender establishes residency or is temporarily domiciled at the new address;

(iii)(a) Inform the sex offender that if the sex offender changes residency to another state or enters another state to work or attend school, the sex offender must also register in that state regardless of permanent residency.

(b) The sex offender shall register the new address and place of employment, education, higher education, or training with the center and with a designated law enforcement agency in the new state not later than three (3) business days after the sex offender establishes residence or is temporarily domiciled in the new state;

(iv) Obtain fingerprints and a photograph of the sex offender if these have not already been obtained in connection with the offense that triggered registration;

(v) Obtain a deoxyribonucleic acid (DNA) sample if one has not already been provided;
(vi) Require the sex offender to complete the entire registration process, including, but not limited to, requiring the sex offender to read and sign a form stating that the duty of the sex offender to register under this subchapter has been explained;

(vii) Inform the sex offender that if the sex offender's address changes within the state or to another state due to an eviction, natural disaster, or any other unforeseen circumstance, the sex offender shall give the new address to the center in writing no later than three (3) business days after the sex offender establishes residency;

(viii) Inform a sex offender who has been granted probation that failure to comply with the provisions of this subchapter may be grounds for revocation of the sex offender's probation; and

(ix) Inform a sex offender subject to lifetime registration under § 12-12-919 of the duty to:

(a) Verify registration and obtain the information required for registration verification as described in subsections (g) and (h) of this section; and

(b) Ensure that the information required for reregistration verification under subsections (g) and (h) of this section is provided to the local law enforcement agency having jurisdiction.

(B)(i) Any offender required to register as a sex offender must provide a deoxyribonucleic acid (DNA) sample, that is, a blood sample or saliva sample, upon registering if a sample has not already been provided to the State Crime Laboratory.

(ii) Any offender required to register as a sex offender who is entering the State of Arkansas must provide a deoxyribonucleic acid (DNA) sample, that is, a blood sample or saliva sample, upon registration and must pay the mandatory fee of two hundred fifty dollars ($250) to be deposited into the DNA Detection Fund established by § 12-12-1119.

(2) When updating the registration file of a sex offender, the Department of Correction, the Department of Community Correction, the Arkansas State Hospital, or the Department of Human Services shall:

(A) Review with the sex offender the duty to register and obtain current information required for registration as described in § 12-12-908;

(B) Review with the sex offender the requirement that if the sex offender changes address within the state, the sex offender shall give the new address to the center in writing no later than ten (10) days before the sex offender establishes residency or is temporarily domiciled at the new address;

(C) Review with the sex offender the requirement that if the sex offender changes address to another state, the sex offender shall register the new address with the center and with a designated law enforcement agency in the new state not later than three (3) business days after the sex offender establishes residence or is temporarily domiciled in the new state if the new state has a registration requirement;

(D) Require the sex offender to read and sign a form stating that the duty of the sex offender to register under this subchapter has been reviewed;

(E) Inform the sex offender that if the sex offender's address changes within the state or to another state due to an eviction, natural disaster, or any
other unforeseen circumstance, the sex offender shall give the new address to the center in writing no later than three (3) business days after the sex offender establishes residency;

(F) Review with the sex offender the consequences of failure to provide any information required by subdivision (b)(2) of this section;

(G) Inform a sex offender subject to lifetime registration under § 12-12-919 of the duty to:

(i) Verify registration and report the information required for registration verification as described in subsections (g) and (h) of this section; and

(ii) Ensure that the information required for registration verification under subsections (g) and (h) of this section is provided to the local law enforcement agency having jurisdiction; and

(H) Review with a sex offender subject to lifetime registration under § 12-12-919 the consequences of failure to verify registration under § 12-12-904.

(d) When registering or updating the registration file of a sexually violent predator, in addition to the requirements of subdivision (c)(1) or (2) of this section, the sentencing court, the Department of Correction, the Department of Community Correction, the Arkansas State Hospital, the Department of Human Services, or the local law enforcement agency having jurisdiction shall obtain documentation of any treatment received for the mental abnormality or personality disorder of the sexually violent predator.

(e) Any sex offender working, enrolled, or volunteering in a public or private elementary, secondary or postsecondary school, or institution of training shall notify the center of that status and shall register with the local law enforcement agency having jurisdiction over that campus.

(f)(1) An offender required to register pursuant to this subchapter shall not change his or her name unless the change is:

(A) Incident to a change in the marital status of the sex offender; or

(B) Necessary to effect the exercise of the religion of the sex offender.

(2) The change in the sex offender's name shall be reported to the Director of the Arkansas Crime Information Center within ten (10) calendar days after the change in name.

(3) A violation of this subsection is a Class C felony.

(g)(1) Except as provided in subsection (h) of this section, beginning April 7, 2006, a sex offender subject to lifetime registration under § 12-12-919 shall report in person every six (6) months after registration to the local law enforcement agency having jurisdiction to verify registration.

(2) The local law enforcement agency having jurisdiction may determine the appropriate times and days for reporting by the sex offender, and the determination shall be consistent with the reporting requirements of subdivision (g)(1) of this section.

(3) Registration verification shall include reporting any change to the following information concerning the sex offender:

(A) Name;
(B) Social security number;
(C) Age;
(D) Race;
(E) Gender;
(F) Date of birth;
(G) Height;
(H) Weight;
(I) Hair and eye color;
(J)(i) Address of any permanent residence and address of any current temporary residence within this state or out of this state, including a rural route address and a post office box.
   (ii) A post office box shall not be provided in lieu of a physical residential address;
(K) Date and place of any employment;
(L) Vehicle make, model, color, and license tag number that the sex offender owns, operates, or to which he or she has access;
(M)(i) Fingerprints.
   (ii) If the local law enforcement agency having jurisdiction cannot confirm that the sex offender's fingerprints are contained in the automated fingerprint identification system, the local law enforcement agency having jurisdiction shall:
      (a) Take the sex offender's fingerprints;
      (b) Submit the fingerprints to the center and to the Department of Arkansas State Police; and
(N)(i) Photograph.
   (ii) The local law enforcement agency having jurisdiction shall take a photograph of the sex offender at each registration verification and submit the photograph to the center.
(4) If the sex offender is enrolled or employed at an institution of higher education in this state, the sex offender shall also report to the local law enforcement agency having jurisdiction:
   (A) The name and address of each institution, including each campus attended;
   (B) The county where each campus is located; and
   (C) His or her enrollment or employment status.
(5) If the place of residence of the sex offender is a motor vehicle, trailer, mobile home, modular home, or manufactured home, the sex offender shall report the following information concerning the motor vehicle, trailer, mobile home, modular home, or manufactured home:
   (A) Vehicle identification number;
   (B) License tag number;
   (C) Registration number; and
   (D) A description, including color scheme.
(6) If the place of residence of the sex offender is a vessel, live-aboard vessel, or houseboat, the sex offender shall report the following information concerning the vessel, live-aboard vessel, or houseboat:

   (A) Hull identification number;
   (B) Manufacturer's serial number;
   (C) Name;
   (D) Registration number; and
   (E) A description, including color scheme.

(h)(1) Beginning on March 21, 2007, a sexually violent predator subject to lifetime registration under § 12-12-919 shall report in person every three (3) months after registration to the local law enforcement agency having jurisdiction to verify registration.

   (2) The local law enforcement agency having jurisdiction may determine the appropriate times and days for reporting by the sexually violent predator, and the determination shall be consistent with the reporting requirements of subdivision (h)(1) of this section.

   (3) Registration verification shall include reporting any change to the following information concerning the sexually violent predator:

      (A) Name;
      (B) Social security number;
      (C) Age;
      (D) Race;
      (E) Gender;
      (F) Date of birth;
      (G) Height;
      (H) Weight;
      (I) Hair and eye color;
      (J)(i) Address of any permanent residence and address of any current temporary residence within this state or out of this state, including a rural route address and a post office box.

      (ii) A post office box shall not be provided in lieu of a physical residential address;

      (K) Date and place of any employment;
      (L) Vehicle make, model, color, and license tag number that the sexually violent predator owns, operates, or to which he or she has access;
      (M)(i) Fingerprints.

      (ii) If the local law enforcement agency having jurisdiction cannot confirm that the sexually violent predator's fingerprints are contained in the automated fingerprint identification system, the local law enforcement agency having jurisdiction shall:

      (a) Take the sexually violent predator's fingerprints; and

      (b) Submit the fingerprints to the center and to the Department of Arkansas State Police; and

      (N)(i) Photograph.
(ii) The local law enforcement agency having jurisdiction shall take a photograph of the sexually violent predator at each registration verification and submit the photograph to the center.

(4) If the sexually violent predator is enrolled or employed at an institution of higher education in this state, the sexually violent predator shall also report to the local law enforcement agency having jurisdiction:

(A) The name and address of each institution, including each campus attended;

(B) The county where each campus is located; and

(C) His or her enrollment or employment status.

(5) If the place of residence of the sexually violent predator is a motor vehicle, trailer, mobile home, modular home, or manufactured home, the sexually violent predator shall report the following information concerning the motor vehicle, trailer, mobile home, modular home, or manufactured home:

(A) Vehicle identification number;

(B) License tag number;

(C) Registration number; and

(D) A description, including color scheme.

(6) If the place of residence of the sexually violent predator is a vessel, live-aboard vessel, or houseboat, the sexually violent predator shall report the following information concerning the vessel, live-aboard vessel, or houseboat:

(A) Hull identification number;

(B) Manufacturer's serial number;

(C) Name;

(D) Registration number; and

(E) A description, including color scheme.

(i) Within three (3) days after verifying the registration of a sex offender under subsection (g) of this section or a sexually violent predator under subsection (h) of this section, the local law enforcement agency having jurisdiction shall report by written or electronic means all information obtained from or provided by the sex offender or sexually violent predator to the center.


12-12-907. Report to Arkansas Crime Information Center — Report to law enforcement agency.

(a)(1) Within three (3) days after registering or updating the registration file of an offender, the Department of Correction, the Department of Community Correction, the Department of Human Services, the sentencing court, or the local law enforcement agency having jurisdiction shall report, by written or electronic means, all information obtained from the offender and regarding the offender to the Arkansas Crime Information Center.
(2) The center shall immediately enter the information into its record system for maintenance in a central registry and notify the local law enforcement agency having jurisdiction.

(3) The center will share information with the National Sex Offender Registry.

(b)(1)(A) No later than ten (10) days after release from incarceration or after the date of sentencing, an offender shall report to the local law enforcement agency having jurisdiction and update the information in the registration file.

(B) If the offender is not already registered, the local law enforcement agency having jurisdiction shall register the offender in accordance with this subchapter.

(2) Within three (3) days after registering an offender or receiving updated registry information on an offender, the local law enforcement agency having jurisdiction shall report, by written or electronic means, all information obtained from the offender to the center.

(3) The center shall verify the address of sexually violent predators on a quarterly basis and the address of all other sex offenders on a semiannual basis.

(4) The center shall have access to the offender tracking systems of the Department of Correction and the Department of Community Correction to confirm the location of registrants.


12-12-908. Registration format — Requirements.

(a) The Director of the Arkansas Crime Information Center shall prepare the format for registration as required in subsection (b) of this section and shall provide instructions for registration to each organized full-time municipal police department, county sheriff's office, the Department of Correction, the Department of Community Correction, the Department of Human Services, and the Administrative Office of the Courts.

(b) The registration file required by this subchapter shall include:

(1) The offender's full name and all aliases that the offender has used or under which the offender has been known;
(2) Date of birth;
(3) Sex;
(4) Race;
(5) Height;
(6) Weight;
(7) Hair and eye color;
(8) Address of any temporary residence;
(9) Anticipated address of legal residence;
(10) Driver's license number or state identification number, if available;
(11) Social security number;
(12) Place of employment, education, or training;
(13) Photograph, if not already obtained;
(14) Fingerprints, if not already obtained;
(15) Date of arrest, arresting agency, offense for which convicted or acquitted, and arrest tracking number for each adjudication of guilt or acquittal on the grounds of mental disease or defect;

(16) A brief description of the crime or crimes for which registration is required;

(17) The registration status of the offender as a sexually violent predator, aggravated sex offender, or sex offender;

(18) A statement in writing signed by the offender acknowledging that the offender has been advised of the duty to register imposed by this subchapter; and

(19) Any other information that the center deems necessary, including, but not limited to:

(A) Criminal and corrections records;
(B) Nonprivileged personnel records;
(C) Treatment and abuse registry records; and
(D) Evidentiary genetic markers.

c Certain information such as social security number, driver's license number, employer, information that may lead to identification of the victim, and the like may be excluded from the information that is released during the course of notification.


12-12-909. Verification form — Change of address.

(a)(1)(A) For a person required to register as a sex offender, every six (6) months after the person's initial registration date during the period in which the person is required to register, the following applies:

(i) The Arkansas Crime Information Center shall mail a nonforwardable verification form to the last reported address of the person by certified mail;

(ii)(a) The person shall return the verification form in person to the local law enforcement agency having jurisdiction within ten (10) days after receipt of the form.

(b) Within three (3) days after receipt of the form, the local law enforcement agency having jurisdiction shall forward the form to the center;

(iii) The verification form shall be signed by the person and state that the person still resides at the address last reported to the center; and

(iv) If the person fails to return the verification form to the local law enforcement agency having jurisdiction within ten (10) days after receipt of the form, the person shall be in violation of this subchapter.

(B) Should the sex offender or sexually violent predator change address without notice or fail to return the verification of residence, notification will be sent to law enforcement and supervising parole or probation authority, and notice may be posted on the Internet until proper reporting is again established or the person is incarcerated.

(2) The provisions of subdivision (a)(1) of this section shall be applied to a person required to register as a sexually violent predator, except that the person must
verify the registration every ninety (90) days after the date of the initial release or commencement of parole.

(b)(1) Before a change of address within the state, a sex offender shall report the change of address to the center no later than ten (10) days before the offender establishes residency or is temporarily domiciled at the new address.

(2) When a change of address within the state is reported to the center, the center shall immediately report the change of address to the local law enforcement agency having jurisdiction where the offender expects to reside.

(c)(1) Before a change of address to another state, an offender shall register the new address with the center and with a designated law enforcement agency in the state to which the person moves not later than ten (10) days before such person establishes residence or is temporarily domiciled in the new state if the new state has a registration requirement.

(2) When a change of address to another state is reported to the center, the center shall immediately notify the law enforcement agency with which the offender must register in the new state if the new state has a registration requirement.

(d) The center may require an offender to report a change of address through the local law enforcement agency having jurisdiction.


### 12-12-910. Fine.

(a) Unless finding that undue hardship would result, the sentencing court shall assess at the time of sentencing a mandatory fine of two hundred fifty dollars ($250) on any person who is required to register under this subchapter.

(b) The fine provided in subsection (a) of this section and collected in circuit court, district court, or city court, shall be remitted by the tenth day of each month to the Administration of Justice Fund Section of the Office of Administrative Services of the Department of Finance and Administration on a form provided by that office for deposit in the Sex and Child Offenders Registration Fund as established by § 12-12-911.


### 12-12-911. Sex and Child Offenders Registration Fund.

(a) There is established on the books of the Treasurer of State, the Auditor of State, and the Chief Fiscal Officer of the State a fund to be known as the “Sex and Child Offenders Registration Fund”.

(b)(1) This fund shall consist of special revenues collected pursuant to § 12-12-910, there to be used equally by the Arkansas Crime Information Center and the Department of Correction for the administration of this subchapter.

(2) Any unexpended balance of this fund shall be carried forward and made available for the same purpose.

12-12-912. Arrests for violations.

(a) In order for an offender to be charged with the commission of a violation of this subchapter so that an arrest warrant shall be issued, it shall be the duty of the local law enforcement agency having jurisdiction to notify the prosecutor when the local law enforcement agency having jurisdiction has reasonable grounds for believing that an offender is not registered, has not reported a change of address, or has not verified the offender's address in violation of this subchapter.

(b) The address of an offender as listed in the offender's registration file shall determine which local law enforcement agency has jurisdiction.

(c) A law enforcement officer shall arrest an offender when a warrant has been issued for the offender's arrest or the officer has reasonable grounds for believing that an offender is not registered or has not reported a change of address in violation of this subchapter.


12-12-913. Disclosure.

(a)(1) Registration records maintained pursuant to this subchapter shall be open to any criminal justice agency in this state, the United States, or any other state.

(2) Registration records may also be open to government agencies authorized by law to conduct confidential background checks.

(b) In accordance with guidelines promulgated by the Sex Offender Assessment Committee, local law enforcement agencies having jurisdiction shall disclose relevant and necessary information regarding sex offenders to the public when the disclosure of such information is necessary for public protection.

(c)(1)(A) The Sex Offender Assessment Committee shall promulgate guidelines and procedures for the disclosure of relevant and necessary information regarding sex offenders to the public when the release of the information is necessary for public protection.

(B) In developing the guidelines and procedures, the Sex Offender Assessment Committee shall consult with persons who, by experience or training, have a personal interest or professional expertise in law enforcement, crime prevention, victim advocacy, criminology, psychology, parole, public education, and community relations.

(2)(A) The guidelines and procedures shall identify factors relevant to a sex offender's future dangerousness and likelihood of reoffense or threat to the community.

(B) The guidelines and procedures shall also address the extent of the information to be disclosed and the scope of the community to whom disclosure shall be made as these factors relate to the:

(i) Level of the sex offender's dangerousness;
(ii) Sex offender's pattern of offending behavior; and
(iii) Need of community members for information to enhance their individual and collective safety.

(3) The Sex Offender Assessment Committee shall submit the proposed guidelines and procedures to the House Committee on Public Health, Welfare, and Labor and the Senate Committee on Public Health, Welfare, and Labor for their review and
shall report to the House Committee on Public Health, Welfare, and Labor and the Senate Committee on Public Health, Welfare, and Labor every six (6) months on the implementation of this section.

(d)(1) A local law enforcement agency having jurisdiction that decides to disclose information pursuant to this section shall make a good faith effort to notify the public and residents at least fourteen (14) days before a sex offender is released or placed into the community.

(2) If a change occurs in a sex offender's release plan, this notification provision shall not require an extension of the release date.

(3) In conjunction with the notice provided under § 12-12-914, the Department of Correction and the Department of Human Services shall make available to a local law enforcement agency having jurisdiction all information that the Department of Correction and the Department of Human Services have concerning the sex offender, including information on risk factors in the sex offender's history.

(e)(1) A local law enforcement agency having jurisdiction that decides to disclose information under this section shall make a good faith effort to conceal the identity of the victim or victims of the sex offender's offense.

(2) Except as provided in subsection (j) of this section, information under this section is not subject to disclosure under the Freedom of Information Act of 1967, § 25-19-101 et seq.

(f) A local law enforcement agency having jurisdiction may continue to disclose information on a sex offender under this section for as long as the sex offender is required to be registered under this subchapter.

(g)(1) The State Board of Education and the State Board of Workforce Education and Career Opportunities shall promulgate guidelines for the disclosure to students and parents of information regarding a sex offender when such information is released to a local school district or institution of vocational training by a local law enforcement agency having jurisdiction.

(2) The Arkansas Higher Education Coordinating Board shall promulgate guidelines for the disclosure to students of information regarding a sex offender when information regarding a sex offender is released to an institution of higher education by a local law enforcement agency having jurisdiction.

(3) In accordance with guidelines promulgated by the State Board of Education, the board of directors of a local school district or institution of vocational training shall adopt a written policy regarding the distribution to students and parents of information regarding a sex offender.

(4) In accordance with guidelines promulgated by the Arkansas Higher Education Coordinating Board, the board of directors of an institution of higher education shall adopt a written policy regarding the distribution to students of information regarding a sex offender.

(h) Nothing in this section shall prevent a law enforcement officer from notifying members of the public about a person who may pose a danger to the public for a reason that is not enumerated in this subchapter.

(i) The medical records or treatment evaluations of a sex offender or sexually violent predator are not subject to disclosure under the Freedom of Information Act of 1967, § 25-19-101 et seq.
(j)(1)(A) The following information concerning a registered sex offender who is classified as a level 3 or level 4 offender by the Sex Offender Screening and Risk Assessment shall be made public:

(i) The sex offender's complete name, as well as any alias;

(ii) The sex offender's date of birth;

(iii) Any sex offense to which the sex offender has pleaded guilty or nolo contendere or of which the sex offender has been found guilty by a court of competent jurisdiction;

(iv) The street name and block number, county, city, and zip code where the sex offender resides;

(v) The sex offender's race and gender;

(vi) The date of the last address verification of the sex offender provided to the Arkansas Crime Information Center;

(vii) The most recent photograph of the sex offender that has been submitted to the center; and

(viii) The sex offender's parole or probation office.

(B) If a registered sex offender was eighteen (18) years of age or older at time of the commission of the sex offense that required registration under this subchapter and the victim of the sex offense was fourteen (14) years of age or younger and the registered sex offender is classified as a level 2 offender by the Sex Offender Screening and Risk Assessment, the following information concerning the registered sex offender shall be made public:

(i) The registered sex offender's complete name, as well as any alias;

(ii) The registered sex offender's date of birth;

(iii) Any sex offense to which the registered sex offender has pleaded guilty or nolo contendere or of which the registered sex offender has been found guilty by a court of competent jurisdiction;

(iv) The street name and block number, county, city, and zip code where the registered sex offender resides;

(v) The registered sex offender's race and gender;

(vi) The date of the last address verification of the registered sex offender provided to the center;

(vii) The most recent photograph of the registered sex offender that has been submitted to the center; and

(viii) The registered sex offender's parole or probation office.

(C)(i) The center shall prepare and place the information described in subdivisions (j)(1)(A) and (B) of this section on the Internet home page of the State of Arkansas.

(ii) The center shall begin placing the information described in subdivision (j)(1)(B) of this section on the Internet home page of the State of Arkansas on or before January 1, 2008, if administratively feasible, but under no circumstance later than March 1, 2008.
(2) The center may promulgate any rules necessary to implement and administer this subsection.

(k) Nothing in this subchapter shall be interpreted to prohibit the posting on the Internet or by other appropriate means of offender fact sheets for those sex offenders who are determined to be:

(1) High-risk or sexually violent predators, risk level 3 and level 4; or
(2) In noncompliance with the requirements of registration under rules and regulations promulgated by the Sex Offender Assessment Committee.


12-12-914. Notice of release.

(a)(1) The Department of Correction shall provide notice by written or electronic means to the Arkansas Crime Information Center of the anticipated release from incarceration in a county or state penal institution of a person serving a sentence for a sex offense.

(2) The Department of Human Services shall provide notice by written or electronic means to the center of the anticipated release from incarceration of a person committed following an acquittal on the grounds of mental disease or defect for a sex offense.

(b)(1)(A) If available, the notice required in subsection (a) of this section shall be provided to the center ninety (90) days before the offender's anticipated release.

(B) However, a good faith effort shall be made to provide the notice at least thirty (30) days before release.

(2) The notice shall include the person's name, identifying factors, offense history, and anticipated future residence.

(c) Upon receipt of notice, the center shall provide notice by written or electronic means to:

(1) The local law enforcement agency having jurisdiction; and
(2) Other state and local law enforcement agencies as appropriate for public safety.

(d)(1) Where possible, victim notification pursuant to this subchapter shall be accomplished by means of the computerized victim notification system established under § 12-12-1201 et seq.

(2) If notification cannot be made throughout the system established under § 12-12-1201 et seq., the Department of Correction shall provide the notification to the victim.


12-12-915. Authority — Rules.
(a) The Department of Correction, the Department of Community Correction, the Department of Human Services, the Administrative Office of the Courts, and the Arkansas Crime Information Center shall promulgate rules to establish procedures for:

1. Notifying the offender of the obligation to register pursuant to this subchapter; and
2. Registering the offender.

(b) (1) The Department of Community Correction shall monitor an adult sex offender under its supervisory authority who is subject to electronic monitoring under § 12-12-923.

2. The Department of Human Services shall monitor an adult or juvenile sex offender under its supervisory authority who is subject to electronic monitoring under § 12-12-923.

(c) (1) The Department of Community Correction shall promulgate rules to establish procedures for monitoring an adult sex offender under its supervisory authority who is subject to electronic monitoring under § 12-12-923.

2. The Department of Human Services shall promulgate rules to establish procedures for monitoring an adult or juvenile sex offender under its supervisory authority who is subject to electronic monitoring under § 12-12-923.


12-12-916. Publication and notice of obligation to register.

The Office of Driver Services of the Department of Finance and Administration shall provide notice of the obligation to register pursuant to this subchapter in connection with each driver's license issued pursuant to § 27-16-801 and each identification card issued pursuant to § 27-16-805.


12-12-917. Evaluation protocol — Sexually violent predators — Juveniles adjudicated delinquent — Examiners.

(a) (1) The Sex Offender Assessment Committee shall develop an evaluation protocol for preparing reports to assist courts in making determinations whether or not a person adjudicated guilty of a sex offense should be considered a sexually violent predator for purposes of this subchapter.

2. The committee shall also establish qualifications for examiners and qualify examiners to prepare reports in accordance with the evaluation protocol.

(b) (1) The committee shall cause an assessment to be conducted on a case-by-case basis of the public risk posed by a sex offender or sexually violent predator:

A. Who is required to register under § 12-12-905 after August 1, 1997; and
(B) For whom the Arkansas Crime Information Center has no record of an assessment's being done and a risk level established subsequent to August 1, 1997.


(ii)(a) Subject to subdivision (c)(1) of this section, the prosecuting attorney and any law enforcement agency shall furnish the file relating to the offender to Sex Offender Screening and Risk Assessment at the Department of Correction within thirty (30) days of an offender's adjudication of guilt.

(b)(1) The prosecuting attorney shall make a copy of any relevant records concerning the offender and shall forward the copied relevant records to Sex Offender Screening and Risk Assessment within thirty (30) days of the adjudication.

(2) The relevant records include, but are not limited to:

(A) Arrest reports;
(B) Incident reports;
(C) Offender statements;
(D) Judgment and disposition forms;
(E) Medical records;
(F) Witness statements; and
(G) Any record considered relevant by the prosecuting attorney.

(B) A sex offender sentenced to life, life without parole, or death shall be assessed only if the sex offender is being considered for release.

(3) A sex offender currently in the state who has not been assessed and classified shall be identified by the center.

(4)(A) If a sex offender fails to appear for assessment, is aggressive, threatening, or disruptive to the point that Sex Offender Screening and Risk Assessment staff cannot proceed with the assessment process, or voluntarily terminates the assessment process after having been advised of the potential consequences:

(i) The sex offender shall be classified as a risk level 3 or referred to the Sex Offender Assessment Committee as a risk level 4; and

(ii) The parole or probation officer, if applicable, shall be notified.

(B) A sex offender has immunity for a statement made by him or her in the course of assessment with respect to prior conduct under the immunity provisions of § 16-43-601 et seq.
(C) Assessment personnel shall report ongoing child maltreatment as required under the Arkansas Child Maltreatment Act, § 12-12-501 et seq.

(c)(1) To the extent permissible and under the procedures established by state and federal regulations, public agencies shall provide the committee access to all relevant records and information in the possession of public agencies or any private entity contracting with a public agency relating to the sex offender or sexually violent predator under review.

(2) The records and information include, but are not limited to:

(A) Police reports;
(B) Statements of probable cause;
(C) Presentence investigations and reports;
(D) Complete judgments and sentences;
(E) Current classification referrals;
(F) Criminal history summaries;
(G) Violation and disciplinary reports;
(H) All psychological evaluations and psychiatric hospital reports;
(I) Sex offender or sexually violent predator treatment program reports;
(J) Juvenile court records;
(K) Victim impact statements;
(L) Investigation reports to the child abuse hotline, the Division of Children and Family Services of the Department of Human Services, and any entity contracting with the Department of Human Services for investigation or treatment of sexual or physical abuse or domestic violence; and

(M) Statements of medical providers treating victims of sex offenses indicating the extent of injury to the victim.

(d)(1) Records and information obtained under this section shall not be subject to the Freedom of Information Act of 1967, § 25-19-101 et seq., unless otherwise authorized by law.

(2)(A)(i) The sex offender or sexually violent predator shall have access to records and information generated and maintained by the committee.

(ii) These records shall include any reports of the assessment and the tape of the interview but do not include restricted source documents of commercial psychological tests or working notes of staff.

(B)(i) Unless otherwise ordered by a court of competent jurisdiction, records and information generated by other agencies and obtained under this section shall not be available to the sex offender or sexually violent predator except through the agency or individual having primary custody of the records.

(ii) Upon request, the sex offender shall be given a list of the records or information obtained.

(C) If the record or information generated contains the address of a victim or a person who has made a statement adverse to the sex offender or sexually violent predator, the address shall be redacted and the sex offender or sexually violent predator shall have access to records and information other than the identity and address.
(e) In classifying the sex offender into a risk level for the purposes of public notification under § 12-12-913, the committee, through its staff, shall review each sex offender or sexually violent predator under its authority:

(1) Prior to the sex offender's release for confinement in a correctional facility;
(2) Prior to the release of a person who has been committed following an acquittal on the grounds of mental disease or defect;
(3) At the start of a sex offender's suspended imposition of sentence; or
(4) At the start of a sex offender's probation period.

(f)(1)(A) The committee shall issue the offender fact sheet to the local law enforcement agency having jurisdiction.

(B) The offender fact sheet is provided to assist the local law enforcement agency having jurisdiction in its task of community notification.

(2) The committee shall provide the Parole Board with copies of the offender fact sheet on inmates of the Department of Correction.

(3) The committee shall provide the Department of Community Correction with copies of the offender fact sheet on any sex offender under the Department of Community Correction's supervision.

(4)(A)(i) The offender fact sheet shall be prepared on a standard form for ease of transmission and communication.

(ii) The offender fact sheet shall also be on an Internet-based application accessible to law enforcement, state boards, and licensing agencies.

(iii) The offender fact sheet of a sexually violent predator and a sex offender found by the center to be in violation of the registration requirement shall be made available to the general public unless the release of the offender fact sheet, in the opinion of the committee based on a risk assessment, places an innocent individual at risk.

(B) The standard form shall include, but not be limited to:

(i) Registration information as required in § 12-12-908;
(ii) Risk level;
(iii) Date of deoxyribonucleic acid (DNA) sample;
(iv) Psychological factors likely to affect sexual control;
(v) Victim age and gender preference;
(vi) Treatment history and recommendations; and
(vii) Other relevant information deemed necessary by the committee or by professional staff performing sex offender assessments.

(5)(A) The committee shall ensure that the notice is complete in its entirety.

(B) A law enforcement officer shall notify the center if a sex offender has moved or is otherwise in violation of a registration requirement.

(6)(A) All material used in the assessment shall be kept on file in its original form for one (1) year.

(B) After one (1) year the file may be stored electronically.
(g)(1) In cooperation with the committee, the Department of Correction shall promulgate rules and regulations to establish the review process for assessment determinations.

(2)(A) The sex offender or sexually violent predator may request an administrative review of the assigned risk level under the conditions stated and following the procedures indicated under § 12-12-922.

(B) The sex offender shall be notified of these rights and procedures in the documentation sent with the notification of risk level.

(h)(1)(A) A sex offender or sexually violent predator may request the committee to reassess the sex offender's assigned risk level after five (5) years have elapsed since initial risk assessment by the committee and may renew that request one (1) time every five (5) years.

(B) In the request for reassessment, the sex offender shall list the facts and circumstances that demonstrate that the sex offender no longer poses the same degree of risk to the community.

(2)(A) A local law enforcement agency having jurisdiction, the Department of Community Correction, or the Parole Board may request the committee to reassess a sex offender's assigned risk level at any time.

(B) In the request for reassessment, the local law enforcement agency having jurisdiction, the Department of Community Correction, or the Parole Board shall list the facts and circumstances that prompted the requested reassessment.

(3) The committee shall also take into consideration any subsequent criminal act by the sex offender or sexually violent predator during a reassessment.


12-12-918. Classification as sexually violent predator.

(a)(1) In order to classify a person as a sexually violent predator, a prosecutor may allege on the face of an information that the prosecutor is seeking a determination that the defendant is a sexually violent predator.

(2)(A) If the defendant is adjudicated guilty, the court shall enter an order directing an examiner qualified by the Sex Offender Assessment Committee to issue a report to the sentencing court that recommends whether or not the defendant should be classified as a sexually violent predator.

(B) Copies of the report shall be forwarded immediately to the prosecutor and to the defense attorney.

(C) The report shall not be admissible for purposes of sentencing.

(3) After sentencing, the court shall make a determination regarding the defendant's status as a sexually violent predator.

(b)(1) In order for the examiner qualified by the committee to prepare the report:

(A) The defendant may be sent for evaluation to a facility designated by the Department of Correction; or

(B) The committee may elect to send an examiner to the local or regional detention facility.
(2) The cost of the evaluation shall be paid by the Department of Correction.

(c)(1) Should evidence be found in the course of any assessment conducted by the committee that a defendant appears to meet the criteria for being classified as a sexually violent predator, the committee shall bring this information to the attention of the prosecutor, who will determine whether to file a petition with the court for the defendant to be classified as a sexually violent predator.

(2) The sentencing court shall retain jurisdiction to determine whether a defendant is a sexually violent predator for one (1) year after sentencing or for so long as the defendant remains incarcerated for the sex offense.

(d)(1) The judgment and commitment order should state whether the offense qualifies as an aggravated sex offense.

(2) Should the aggravated sex offense box not be checked on the commitment order, the court will be contacted by the committee and asked to furnish a written determination as to whether the offense qualifies as an aggravated sex offense.


12-12-919. Termination of obligation to register.

(a) Lifetime registration is required for a sex offender:

   (1) Found to have committed an aggravated sex offense;
   (2) Determined by the court to be a sexually violent predator; or
   (3) Found to have been adjudicated guilty of a second or subsequent sex offense under a separate case number, not multiple counts on the same charge.

(b)(1)(A)(i) Any other sex offender required to register under this subchapter may make application for an order terminating the obligation to register to the sentencing court fifteen (15) years after release from incarceration or other institution or fifteen (15) years after having been placed on probation or any other form of community supervision by the court.

   (ii) A sex offender sentenced in another state but permanently residing in Arkansas may make an application for an order terminating the obligation to register to the court of the county in which the sex offender resides.

(B)(i) The court shall hold a hearing on the application at which the applicant and any interested persons may present witnesses and other evidence.

   (ii) No fewer than twenty (20) days prior to the date of the hearing on the application, a copy of the application for termination of the obligation to register shall be served on the prosecutor of the county in which the adjudication of guilt triggering registration was obtained.

(2) The court shall grant an order terminating the obligation to register upon proof by a preponderance of the evidence that:

   (A) The applicant placed on parole, supervised release, or probation has not been adjudicated guilty of a sex offense for a period of fifteen (15) years after the applicant was released from prison or other institution; and
   (B) The applicant is not likely to pose a threat to the safety of others.
12-12-920. Immunity from civil liability.

(a) Public officials, public employees, and public agencies are immune from civil liability for good faith conduct under this subchapter.
(b) Nothing in this subchapter shall be deemed to impose any liability upon or to give rise to a cause of action against any public official, public employee, or public agency for any discretionary decision to release relevant and necessary information, unless it is shown that the public official, public employee, or public agency acted with gross negligence or in bad faith.
(c) The provisions of this section shall also apply to persons or organizations assisting a public official, public employee, or public agency in performing official duties upon a written request to assist them by the public official, public employee, or public agency.


12-12-921. Sex Offender Assessment Committee.

(a) The Sex Offender Assessment Committee shall consist of nine (9) members as follows:
   (1) The Governor shall appoint, subject to confirmation by the Senate:
      (A) One (1) member who is a criminal defense attorney;
      (B) One (1) member who is a prosecuting attorney;
      (C) One (1) member who is a licensed mental health professional and has demonstrated expertise in the treatment of sex offenders;
      (D) One (1) member who is a victims' rights advocate;
      (E) One (1) member who is a law enforcement officer; and
      (F) One (1) member with expertise in juvenile justice or treatment;
   (2) The Director of the Department of Correction or the director's designee;
   (3) The Director of the Department of Community Correction or the director's designee; and
   (4) The Director of the Arkansas Crime Information Center or the director's designee.
(b)(1) Members appointed by the Governor shall be for four-year staggered terms to be assigned by lot at the first meeting.
   (2) If a vacancy of one (1) of the members appointed by the Governor occurs for any reason other than expiration of a regular term, the vacancy shall be filled for the unexpired portion of the term by appointment of the Governor.
   (3) A member of the committee appointed by the Governor may be removed by the Governor for neglect of duty or malfeasance in office.
   (4) A member shall be considered active unless his or her resignation has been submitted or requested by the Governor or he or she has more than two (2)
unexcused absences from meetings in a twelve-month period and this fact has been reported to the Governor's office.

(c) The members of the committee shall elect annually a chair and a vice chair from their membership.

(d) The Director of the Department of Correction or the director's designee shall serve as the executive secretary.

(e)(1) A majority of the members of the committee shall constitute a quorum for the transaction of business.

(2) The committee shall meet at least quarterly.

(3) A special meeting may be called by the chair or as provided by the rules adopted by the committee.

(f) The executive secretary of the committee shall keep full and true records of all committee proceedings and preserve all books, documents, and papers relating to the business of the committee.

(g) The meetings shall be open to the public except when the committee is discussing, deliberating, or voting on an individual case.

(h)(1) The committee shall report in writing to the Governor and to the Legislative Council by July 31 of each year.

(2) The report shall contain:

(A) A summary of the proceedings of the committee during the preceding fiscal year;

(B) A detailed and itemized statement of all revenue and of all expenditures made by or on behalf of the committee;

(C) Other information deemed necessary or useful; and

(D) Any additional information that may be requested by the Governor and the Legislative Council.


(a)(1) The alternative procedure under this section may be used for sexually violent predator evaluations if information that was not available to the court at the time of trial emerges in the course of a sex offender evaluation.

(2)(A) Examiners qualified by the Sex Offender Assessment Committee shall include in the assessment of any sex offender convicted of a sex offense a review as to whether the frequency, repetition over time, severity of trauma to the victim, or established pattern of predatory behaviors suggests that the sex offender is likely to engage in future predatory sexual offenses.

(B) If a mental abnormality or personality disorder is suspected, a licensed psychologist or psychiatrist qualified by the committee may conduct further assessment to determine the presence or absence of a mental abnormality or personality disorder.

(C) If further assessment under subdivision (a)(2)(B) of this section is conducted by a licensed psychologist or psychiatrist qualified by the committee, the report of the further assessment shall be presented to the committee.
(b)(1)(A) A sex offender may challenge an assigned risk level by submitting a written request for an administrative review.

(B) As part of the request for an administrative review, the sex offender may request in writing copies of all documents generated by the examiners, a listing by document name and source of all documents that may be available from other agencies having custody of those documents, and a copy of the tape of the interview.

(2) The request for an administrative review shall be made in accordance with instructions provided on the risk level notification and within fifteen (15) days of receipt of the advisement of risk level notification to the sex offender by certified mail and first-class mail.

(3)(A) The basis of the request for administrative review shall be clearly stated and any documentary evidence attached.

(B) The basis for administrative review is:

(i) The rules and procedures were not properly followed in reaching a decision on the risk level of the sex offender;

(ii) Documents or information not available at the time of assessment have a bearing on the risk that the sex offender poses to the community; or

(iii) The assessment is not supported by substantial evidence.

(4) Unless a request for an administrative review is received by the committee within twenty (20) days of postmark of the advisement of risk level notification sent to the sex offender sent by certified mail and first-class mail or delivered by personal service, an offender fact sheet shall be made available to law enforcement so that community notification may commence. Receipt of the advisement of risk level notification will be presumed within five (5) days of postmark of the advisement of risk level notification by both certified mail and first-class mail.

(5) If a request for an administrative review is received by the committee, law enforcement may make community notification only at the level immediately below the level upon which review has been requested.

(6)(A) A member of the committee shall conduct the review and respond within thirty (30) days of receiving a request for an administrative review.

(B) If additional time is needed to obtain facts, the committee shall notify the sex offender requesting the review.

(7)(A)(i) The findings of the administrative review shall be sent to the sex offender by certified mail. Community notification at the risk level assigned in the administrative review shall commence five (5) calendar days after the postmark of the advisement of the findings of the administrative review.

(ii) Upon receipt of the findings, the sex offender has thirty (30) days to file a petition under the Arkansas Administrative Procedure Act, § 25-15-201 et seq., for judicial review in the Pulaski County Circuit Court or in the circuit court of the county where the sex offender resides or does business.

(B) The circuit court shall refuse to hear any appeal of an assigned risk level by a sex offender unless the circuit court finds that the administrative remedies available to the sex offender under this subsection have been exhausted.
(8)(A)(i) A copy of the petition for judicial review shall be served on the executive secretary of the committee in accordance with the Arkansas Rules of Civil Procedure.

(ii) When the petition for judicial review has been served on the executive secretary of the committee, a record of the committee's findings and copies of all records in its possession shall be furnished by the committee to the circuit court within thirty (30) days of service.

(B) The committee may ask the circuit court to seal statements of victims, medical records, and other items that could place third parties at risk of harm.

(9) A ruling by the circuit court on the petition for judicial review is considered a final judgment.


12-12-923. Electronic monitoring of sex offenders.

(a)(1) Upon release from incarceration, a sex offender determined to be a sexually violent predator whose crime was committed after April 7, 2006, is subject to electronic monitoring for a period of not less than ten (10) years from the date of the sex offender's release.

(2) Within three (3) days after release from incarceration, a sex offender subject to electronic monitoring under subdivision (a)(1) of this section shall:

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

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

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

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

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

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

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

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

(ii) The certificate of indigency shall:
(a) Be in a form approved by the supervising agency;

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

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

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

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

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

(e)(1) A person who knowingly alters, tampers with, damages, or destroys any electronic monitoring equipment worn by a sexually violent predator pursuant to this section upon conviction is guilty of a Class C felony.

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

Appendix C-Arkansas Code
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Including Acts Passed during the 2007 Regular Session of the Arkansas General Assembly
Title 5
Criminal Offenses

Chapter 14
Sexual Offenses

Subchapter 1 — General Provisions
Subchapter 2 — Medical Records of Persons Charged with Sex Crimes

Subchapter 1— General Provisions


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5-14-132. Registered offender prohibited from entering upon school campus — Exception.

As used in this chapter:

(1) “Deviate sexual activity” means any act of sexual gratification involving:
   (A) The penetration, however slight, of the anus or mouth of a person by the penis of another person; or
   (B) The penetration, however slight, of the labia majora or anus of a person by any body member or foreign instrument manipulated by another person;

(2) “Forcible compulsion” means physical force or a threat, express or implied, of death or physical injury to or kidnapping of any person;

(3) “Guardian” means a parent, stepparent, legal guardian, legal custodian, foster parent, or any person who by virtue of a living arrangement is placed in an apparent position of power or authority over a minor;

(4)(A) “Mentally defective” means that a person suffers from a mental disease or defect that renders the person:
   (i) Incapable of understanding the nature and consequences of a sexual act; or
   (ii) Unaware a sexual act is occurring.

   (B) A determination that a person is mentally defective shall not be based solely on the person's intelligence quotient;

(5) “Mentally incapacitated” means that a person is temporarily incapable of appreciating or controlling the person's conduct as a result of the influence of a controlled or intoxicating substance:
   (A) Administered to the person without the person's consent; or
   (B) That renders the person unaware a sexual act is occurring;

(6) “Physically helpless” means that a person is:
   (A) Unconscious;
   (B) Physically unable to communicate a lack of consent; or
   (C) Rendered unaware a sexual act is occurring;

(7) “Public place” means a publicly or privately owned place to which the public or a substantial number of people have access;

(8) “Public view” means observable or likely to be observed by a person in a public place;

(9) “Sexual contact” means any act of sexual gratification involving the touching, directly or through clothing, of the sex organs, buttocks, or anus of a person or the breast of a female; and

(10) “Sexual intercourse” means penetration, however slight, of the labia majora by a penis.


5-14-102. In general.

(a) The definition of an offense that excludes conduct with a spouse shall not be construed to preclude accomplice liability of a spouse.
(b) When the criminality of conduct depends on a child's being below fourteen (14) years of age and the actor is twenty (20) years of age or older, it is no defense that the actor:
   (1) Did not know the age of the child; or
   (2) Reasonably believed the child to be fourteen (14) years of age or older.
(c)(1) When criminality of conduct depends on a child's being below fourteen (14) years of age and the actor is under twenty (20) years of age, it is an affirmative defense that the actor reasonably believed the child to be of the critical age or above.
   (2) However, the actor may be guilty of the lesser offense defined by the age that the actor reasonably believed the child to be.
(d)(1) When criminality of conduct depends on a child's being below a critical age older than fourteen (14) years, it is an affirmative defense that the actor reasonably believed the child to be of the critical age or above.
   (2) However, the actor may be guilty of the lesser offense defined by the age that the actor reasonably believed the child to be.
(e) When criminality of conduct depends on a victim's being incapable of consent because he or she is mentally defective or mentally incapacitated, it is an affirmative defense that the actor reasonably believed that the victim was capable of consent.

5-14-103. Rape.

(a) A person commits rape if he or she engages in sexual intercourse or deviate sexual activity with another person:
   (1) By forcible compulsion;
   (2) Who is incapable of consent because he or she is:
      (A) Physically helpless;
      (B) Mentally defective; or
      (C) Mentally incapacitated;
   (3)(A) Who is less than fourteen (14) years of age.
      (B) It is an affirmative defense to a prosecution under subdivision (a)(3)(A) of this section that the actor was not more than three (3) years older than the victim; or
      (4)(A) Who is less than eighteen (18) years of age and the actor is the victim's:
         (i) Guardian;
         (ii) Uncle, aunt, grandparent, step-grandparent, or grandparent by adoption;
         (iii) Brother or sister of the whole or half blood or by adoption; or
         (iv) Nephew, niece, or first cousin.
      (B) It is an affirmative defense to a prosecution under subdivision (a)(4)(A) of this section that the actor was not more than three (3) years older than the victim.
(b) It is no defense to a prosecution under subdivisions (a)(3) or (4) of this section that the victim consented to the conduct.
(c)(1) Rape is a Class Y felony.

(2) Any person who pleads guilty or nolo contendere to or is found guilty of rape involving a victim who is less than fourteen (14) years of age shall be sentenced to a minimum term of imprisonment of twenty-five (25) years.

(d)(1) A court may issue a permanent no contact order when:

(A) A defendant pleads guilty or nolo contendere; or

(B) All of the defendant's appeals have been exhausted and the defendant remains convicted.

(2) If a judicial officer has reason to believe that mental disease or defect of the defendant will or has become an issue in the case, the judicial officer shall enter such orders as are consistent with § 5-2-305.


5-14-104. [Repealed.]

5-14-105. [Repealed.]

5-14-106. [Repealed.]

5-14-107. [Repealed.]

5-14-108. [Repealed.]

5-14-109. [Repealed.]

5-14-110. Sexual indecency with a child.

(a) A person commits sexual indecency with a child if:

(1) Being eighteen (18) years of age or older, the person solicits another person who is less than fifteen (15) years of age or who is represented to be less than fifteen (15) years of age to engage in:

(A) Sexual intercourse;

(B) Deviate sexual activity; or

(C) Sexual contact;

(2)(A) With the purpose to arouse or gratify a sexual desire of himself or herself or a sexual desire of any other person, the person purposely exposes his or her sex organs to another person who is less than fifteen (15) years of age.

(B) It is an affirmative defense to a prosecution under subdivision (a)(2)(A) of this section if the person is within three (3) years of age of the victim; or

(3) With the purpose to arouse or gratify a sexual desire of himself or herself or a sexual desire of any other person, the person purposely exposes his or her sex organs to another person who is less than eighteen (18) years of age, and the actor is:
(A) Employed with the Department of Correction, Department of Community Correction, any city or county jail, or any juvenile detention facility, and the minor is in custody at a facility operated by the agency or contractor employing the actor; 
(B) A professional under § 12-12-507(b) and is in a position of trust or authority over the minor; or 
(C) The minor's guardian, an employee in the minor's school or school district, a temporary caretaker, or a person in a position of trust and authority over the minor; 

(4) With the purpose to arouse or gratify his or her sexual desire or a sexual desire of another person, a person who is eighteen (18) years of age or older:
   (A) Causes or coerces another person who is less than eighteen (18) years of age to expose his or her sex organs to another person; and 
   (B)(i) Is employed with the Department of Correction, Department of Community Correction, any city or county jail, or any juvenile detention facility, and the minor is in custody at a facility operated by the agency or contractor employing the actor; 
   (ii) Is a professional under § 12-12-507(b) and is in a position of trust or authority over the minor; or 
   (iii) Is the minor's guardian, an employee in the minor's school or school district, a temporary caretaker, or a person in a position of trust or authority over the minor; or 

(5) Being eighteen (18) years of age or older, the person causes or coerces another person who is less than fourteen (14) years of age to expose his or her sex organs or the breast of a female with the purpose to arouse or gratify a sexual desire of himself, herself, or another person.

(b) Sexual indecency with a child is a Class D felony. 


5-14-111. Public sexual indecency.

(a) A person commits public sexual indecency if he or she engages in any of the following acts in a public place or public view:
   (1) An act of sexual intercourse;
   (2) An act of deviate sexual activity; or
   (3) An act of sexual contact.

(b) Public sexual indecency is a Class A misdemeanor. 


5-14-112. Indecent exposure.

(a) A person commits indecent exposure if, with the purpose to arouse or gratify a sexual desire of himself or herself or of any other person, the person exposes his or her sex organs:
   (1) In a public place or in public view; or
(2) Under circumstances in which the person knows the conduct is likely to cause affront or alarm.

(b)(1) Except as provided in subdivisions (b)(2) and (b)(3) of this section, indecent exposure is a Class A misdemeanor.

(2) For a fourth or fifth conviction within ten (10) years of a previous conviction, indecent exposure is a Class D felony.

(3) For a sixth conviction and each successive conviction within ten (10) years of a previous conviction, indecent exposure is a Class C felony.

(c) A woman is not in violation of this section for breastfeeding a child in a public place or any place where other individuals are present.


5-14-113 — 5-14-119. [Reserved.]

5-14-120. [Repealed.]

5-14-121. [Repealed.]

5-14-122. Bestiality.

(a) As used in this section, “animal” means any dead or alive nonhuman vertebrate.

(b) A person commits bestiality if he or she performs or submits to any act of sexual gratification with an animal involving his or her or the animal's sex organs and the mouth, anus, penis, or vagina of the other.

(c) Bestiality is a Class A misdemeanor.


5-14-123. Exposing another person to human immunodeficiency virus.

(a) A person with acquired immunodeficiency syndrome or who tests positive for the presence of human immunodeficiency virus antigen or antibodies is infectious to another person through the exchange of a body fluid during sexual intercourse and through the parenteral transfer of blood or a blood product and under these circumstances is a danger to the public.

(b) A person commits the offense of exposing another person to human immunodeficiency virus if the person knows he or she has tested positive for human immunodeficiency virus and exposes another person to human immunodeficiency virus infection through the parenteral transfer of blood or a blood product or engages in sexual penetration with another person without first having informed the other person of the presence of human immunodeficiency virus.

(c) (1) As used in this section, “sexual penetration” means sexual intercourse, cunnilingus, fellatio, anal intercourse, or any other intrusion, however slight, of any part
of a person's body or of any object into a genital or anal opening of another person's body.

(2) However, emission of semen is not required.

(d) Exposing another person to human immunodeficiency virus is a Class A felony.

5-14-124. Sexual assault in the first degree.

(a) A person commits sexual assault in the first degree if the person engages in sexual intercourse or deviate sexual activity with another person who is less than eighteen (18) years of age and is not the actor's spouse and the actor is:

(1) Employed with the Department of Correction, the Department of Community Correction, the Department of Health and Human Services, or any city or county jail or a juvenile detention facility, and the victim is in the custody of the Department of Correction, the Department of Community Correction, the Department of Health and Human Services, any city or county jail or juvenile detention facility, or their contractors or agents;

(2) A professional under § 12-12-507(b) and is in a position of trust or authority over the victim and uses the position of trust or authority to engage in sexual intercourse or deviate sexual activity; or

(3) An employee in the victim's school or school district, a temporary caretaker, or a person in a position of trust or authority over the victim.

(b) It is no defense to a prosecution under this section that the victim consented to the conduct.

(c) It is an affirmative defense to a prosecution under subdivision (a)(3) of this section that the actor was not more than three (3) years older than the victim.

(d) Sexual assault in the first degree is a Class A felony.

5-14-125. Sexual assault in the second degree.

(a) A person commits sexual assault in the second degree if the person:

(1) Engages in sexual contact with another person by forcible compulsion;

(2) Engages in sexual contact with another person who is incapable of consent because he or she is:

   (A) Physically helpless;
   (B) Mentally defective; or
   (C) Mentally incapacitated;

(3) Being eighteen (18) years of age or older, engages in sexual contact with another person who is:

   (A) Less than fourteen (14) years of age; and
   (B) Not the person's spouse;

(4)(A) Engages in sexual contact with another person who is less than eighteen (18) years of age and the actor is:

   (i) Employed with the Department of Correction, Department of Community Correction, any city or county jail, or any juvenile detention
facility, and the minor is in custody at a facility operated by the agency or contractor employing the actor;
   (ii) A professional under § 12-12-507(b) and is in a position of trust or authority over the minor; or
   (iii) The minor's guardian, an employee in the minor's school or school district, a temporary caretaker, or a person in a position of trust or authority over the minor.

   (B) For purposes of subdivision (a)(4)(A) of this section, consent of the minor is not a defense to a prosecution;

   (5)(A) Being less than eighteen (18) years of age, engages in sexual contact with another person who is:
   (i) Less than fourteen (14) years of age; and
   (ii) Not the person's spouse.

   (B) It is an affirmative defense to a prosecution under this subdivision (a)(5) that the actor was not more than:
   (i) Three (3) years older than the victim if the victim is less than twelve (12) years of age; or
   (ii) Four (4) years older than the victim if the victim is twelve (12) years of age or older; or

   (6) Is a teacher in a public school in a grade kindergarten through twelve (K-12) and engages in sexual contact with another person who is:
   (A) A student enrolled in the public school; and
   (B) Less than twenty-one (21) years of age.

(b)(1) Sexual assault in the second degree is a Class B felony.

   (2) Sexual assault in the second degree is a Class D felony if committed by a person less than eighteen (18) years of age with another person who is:
   (A) Less than fourteen (14) years of age; and
   (B) Not the person's spouse.


5-14-126. Sexual assault in the third degree.

(a) A person commits sexual assault in the third degree if the person:

   (1) Engages in sexual intercourse or deviate sexual activity with another person who is not the actor's spouse, and the actor is:
   (A) Employed with the Department of Correction, Department of Community Correction, Department of Human Services, or any city or county jail, and the victim is in the custody of the Department of Correction, Department of Community Correction, Department of Human Services, or any city or county jail; and
   (B) Employed or contracted with or otherwise providing services, supplies, or supervision to an agency maintaining custody of inmates, detainees, or juveniles, and the victim is in the custody of the Department of Correction, Department of Community Correction, Department of Human Services, or any city or county jail; or
(C) A professional under § 12-12-507(b) or a member of the clergy and is in a position of trust or authority over the victim and uses the position of trust or authority to engage in sexual intercourse or deviate sexual activity; or

(2)(A) Being under eighteen (18) years of age, engages in sexual intercourse or deviate sexual activity with another person who is:
   (i) Less than fourteen (14) years of age; and
   (ii) Not the person's spouse.

(B) It is an affirmative defense under this subdivision (a)(2) that the actor was not more than three (3) years older than the victim.

(b) It is no defense to a prosecution under this section that the victim consented to the conduct.

(c) Sexual assault in the third degree is a Class C felony.


5-14-127. Sexual assault in the fourth degree.

(a) A person commits sexual assault in the fourth degree if the person:
   (1) Being twenty (20) years of age or older, engages in sexual intercourse or deviate sexual activity with another person who is:
      (A) Less than sixteen (16) years of age; and
      (B) Not the person's spouse; or
   (2) Engages in sexual contact with another person who is:
      (A) Less than sixteen (16) years of age; and
      (B) Not the person's spouse.

(b)(1) Sexual assault in the fourth degree under subdivision (a)(1) of this section is a Class D felony.

   (2) Sexual assault in the fourth degree under subdivision (a)(2) of this section is a Class A misdemeanor if the person engages only in sexual contact with another person as described in subdivision (a)(2) of this section.


5-14-128. Registered offender living near school, public park, youth center, or daycare prohibited.

(a) It is unlawful for a sex offender who is required to register under the Sex Offender Registration Act of 1997, § 12-12-901 et seq., and who has been assessed as a Level 3 or Level 4 offender to reside within two thousand feet (2,000') of the property on which any public or private elementary or secondary school, public park, youth center, or daycare facility is located.

(b)(1) It is not a violation of this section if the property on which the sex offender resides is owned and occupied by the sex offender and was purchased prior to the date on which the public or private elementary or secondary school, public park, youth center, or daycare facility was established.

   (2) The exclusion in subdivision (b)(1) of this section does not apply to a sex offender who pleads guilty or nolo contendere to or is found guilty of another sex offense
after the public or private elementary or secondary school, public park, youth center, or
daycare facility is established.
(c)(1)(A) With respect to a public or private elementary or secondary school or a daycare
facility, it is not a violation of this section if the sex offender resides on property he or
she owns prior to July 16, 2003.
(B) With respect to a public park or youth center, it is not a
violation of this section if the sex offender resides on property he or she owns prior to
(2)(A) The exclusion in subdivision (c)(1)(A) of this section does not apply
to a sex offender who pleads guilty or nolo contendere to or is found guilty of another sex
(B) The exclusion in subdivision (c)(1)(B) of this section does
not apply to a sex offender who pleads guilty or nolo contendere to or is found guilty of
another sex offense on or after July 31, 2007.
(d) A sex offender who is required to register under the Sex Offender Registration Act of
1997, § 12-12-901 et seq., and who knowingly violates a provision of this section is
guilty of a Class D felony.
(e) As used in this section:
(1) “Public park” means any property owned or maintained by this state or a
county, city, or town in this state for the recreational use of the public; and
(2) “Youth center” means any building, structure, or facility owned or
operated by a not-for-profit organization or by this state or a county, city, or town in this
state for use by minors to promote the health, safety, or general welfare of the minors.

5-14-129. Registered offender working with children prohibited.

(a) It is unlawful for a sex offender who is required to register under the Sex Offender
Registration Act of 1997, § 12-12-901 et seq., and who has been assessed as a Level 3 or
Level 4 offender to engage in an occupation or participate in a volunteer position that
requires the sex offender to work or interact primarily and directly with a child under
sixteen (16) years of age.
(b) A sex offender who is required to register under the Sex Offender Registration Act of
1997, § 12-12-901 et seq., and who knowingly violates this section is guilty of a Class D
felony.

5-14-130. Registered offender — Incorrect permanent physical address on
identification cards or driver's license prohibited.

(a) It is unlawful for a person who is required to register under the Sex Offender
Registration Act of 1997, § 12-12-901 et seq., or required to register as a sex offender in
any other state to knowingly:
(1) Provide false information to obtain an identification card or a driver's license under Title 27 of this Arkansas Code that indicates an incorrect permanent physical address for his or her residence; or

(2) Possess an identification card or a driver's license issued under Title 27 of this Arkansas Code that indicates an incorrect permanent physical address for his or her residence.

(b) It is an affirmative defense to a violation of subdivision (a)(2) of this section if the sex offender has provided notice of a change of address as required by § 27-16-506.

(c)(1) A violation of subdivision (a)(1) of this section is a Class D felony.

(2) A violation of subdivision (a)(2) of this section is a Class A misdemeanor.


5-14-131. Registered offender living near victim or having contact with victim prohibited.

(a) As used in this section, “victim” means a victim of a sex offense for which a person is required to register as a sex offender under the Sex Offender Registration Act of 1997, § 12-12-901 et seq.

(b) It is unlawful for a person who is required to register under the Sex Offender Registration Act of 1997, § 12-12-901 et seq., and who has been assessed as a Level 3 or Level 4 offender to knowingly:

(1) Reside within two thousand feet (2,000') of the residence of his or her victim; or

(2) Have direct or indirect contact with his or her victim for the purpose of harassment under § 5-71-208.

(c)(1) It is an affirmative defense to a prosecution for a violation of subdivision (b)(1) of this section if the property where the sex offender resides is owned and occupied by the sex offender and was purchased prior to the date on which his or her victim began residing within two thousand feet (2,000') of the residence of the sex offender.

(2) The affirmative defense in subdivision (c)(1) of this section is not available to a sex offender who pleads guilty or nolo contendere to or is found guilty of another sex offense involving his or her victim after his or her victim began residing within two thousand feet (2,000') of the residence of the sex offender.

(d)(1) It is an affirmative defense to a prosecution for a violation of subdivision (b)(1) of this section if the sex offender resides on property he or she owned prior to March 21, 2007.

(2) The affirmative defense in subdivision (d)(1) of this section is not available to a sex offender who pleads guilty or nolo contendere to or is found guilty of another sex offense involving his or her victim after March 21, 2007.

(e) Upon conviction, a person who violates this section is guilty of a Class D felony.


5-14-132. Registered offender prohibited from entering upon school campus — Exception.
(a) As used in this section:
   (1) “Campus” means the real property, a building, or any other improvement in this state owned, leased, rented, or controlled by or for the operation of a public school; and
   (2) “Public school” means any school in this state that is:
      (A) A public school operated by a public school district;
      (B) A charter school established under the Public School Funding Act of 2003, § 6-20-2301 et seq.;
      (C) A state-funded prekindergarten program operated by a public school or an education service cooperative;
      (D) The Arkansas School for the Blind;
      (E) The Arkansas School for the Deaf;
      (F) The Arkansas School for Mathematics, Sciences, and the Arts;
      (G) An educational facility of the Division of Youth Services of the Department of Human Services or contracting with the Division of Youth Services; or
      (H) An educational facility of the Division of Developmental Disabilities Services of the Department of Human Services.
(b) It is unlawful for a sex offender who is required to register under the Sex Offender Registration Act of 1997, § 12-12-901 et seq., and who has been assessed as a Level 3 or Level 4 offender to knowingly enter upon the campus of a public school.
(c) It is not a violation of this section if the sex offender:
   (1) Is a minor and is a student;
   (2) Enters upon the campus for the purpose of attending a school-sponsored event for which an admission fee is charged or tickets are sold or distributed, a graduation ceremony, or a baccalaureate ceremony;
   (3) Enters upon the campus on a day that is not designated a student contact day by the school district's calendar or on a day in which no school-sponsored event is taking place upon the campus; or
   (4) Is the parent or guardian of a student enrolled in a public school district and enters upon the campus where the student is enrolled for the purpose of:
      (A) Delivering to the student medicine, food, or personal items, provided that the items are delivered directly to the school office; or
      (B) Attending a scheduled parent-teacher conference, provided the sex offender is escorted to and from the conference by a designated school official or employee.
(d)(1) A sex offender who is the parent or guardian of a child enrolled in a public school district and wishes to enter upon the campus in which the student is enrolled for any other purpose must give reasonable notice to the school principal or his or her designee.
   (2)(A) The school principal or his or her designee may allow the parent sex offender to enter upon the campus as long as there is a designated school official or employee available to escort and supervise the sex offender while he or she remains on campus.
(B) If a designated school official or employee is not available at the time the parent sex offender wishes to enter upon the campus, the parent sex offender shall not enter upon the campus until he or she is notified that a designated school official or employee is available.

(e) Upon conviction, any sex offender who violates this section is guilty of a Class D felony.


Subchapter 2 — Medical Records of Persons Charged with Sex Crimes

5-14-201. Definitions.


5-14-201. Definitions.

As used in this subchapter:

(1) “Relevant medical record” means a medical record of a person charged with having committed a sex crime that contain information that may reveal a health risk to the victim; and

(2) “Sex crime” means any offense described in § 5-14-101 et seq. or § 5-70-101 et seq.


(a)(1) Through a warrant issued by a judicial officer under Rule 13 of the Arkansas Rules of Criminal Procedure, a prosecuting attorney of this state is entitled access to a relevant medical record of any person charged with having committed a sex crime against another person, which act could have exposed the victim to a disease carried by the alleged offender.

(2)(A) An application by a prosecuting attorney for a relevant medical record shall describe with particularity the person whose relevant medical record is to be obtained and shall be supported by one (1) or more affidavits or recorded testimony before a judicial officer particularly setting forth the facts and circumstances tending to show that the person may present a danger to the health of a victim of a sex crime.

(B) If the judicial officer finds that the application meets the requirements of subdivision (a)(2)(A) of this section and that, on the basis of the proceeding before the judicial officer, there is reasonable cause to believe that the relevant medical record should be disclosed, the judicial officer shall issue a warrant directing disclosure of the medical record to the prosecuting attorney.

(b) Upon service of a warrant, a person having custody of a relevant medical record shall grant access to the prosecuting attorney and is not subject to any liability for granting the access.
(c)(1) If a prosecuting attorney after reviewing a medical record determines that a victim is subject to a health risk as a result of a sex crime, the prosecuting attorney may convey that health risk information to the victim, and the prosecuting attorney is not subject to any liability for disclosing that health risk information to the victim.

(2)(A) The prosecuting attorney may disclose the health risk information to the victim only.

(B) However, if the victim is a minor or is mentally incompetent, then the prosecuting attorney may disclose the health risk information to the victim's parent or legal guardian only.

(d) The prosecuting attorney is not subject to any liability to the victim for failing to obtain a medical record or failing to disclose health risk information to the victim.

(e) This subchapter does not repeal or supersede any rule of evidence or rule of criminal procedure that would allow the admissibility of a medical record as evidence in a criminal proceeding.

Appendix D – ACIC Sex Offender Registry Directory

Arkansas Crime Information Center

Criminal History Division

Sex Offender Registry

Directory

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