

Arkansas Sex Offender Law as of August 2015

§ 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 a sex 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 (1/2) 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 a sex 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) A sex 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:

(i) A place of employment;

(ii) A place of training;

(iii) A place of education; or

(iv) A temporary residence or domicile in which a person resides for an aggregate of five (5) or more consecutive days during a calendar year;

(11) “Sentencing court” means the judge of the court that sentenced the sex 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](#);

(d) Sexual assault in the second degree, [§ 5-14-125](#);

- (e) Sexual assault in the third degree, § 5-14-126;
- (f) Sexual assault in the fourth degree, § 5-14-127;
- (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;
- (n) Stalking, § 5-71-229, when ordered by the sentencing court to register as a sex offender;
- (o) Indecent exposure, § 5-14-112, if a felony level offense;
- (p) Exposing another person to human immunodeficiency virus, § 5-14-123, when ordered by the sentencing court to register as a sex offender;
- (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, § 5-27-221, if the abuse of the minor consisted of sexual intercourse, deviant sexual activity, or sexual contact;
- (t) Computer child pornography, § 5-27-603;
- (u) Computer exploitation of a child, § 5-27-605;
- (v) Permanent detention or restraint, § 5-11-106, when the offender is not the parent of the victim;
- (w) Distributing, possessing, or viewing of matter depicting sexually explicit conduct involving a child, § 5-27-602;
- (x) Internet stalking of a child, § 5-27-306;
- (y) Crime of video voyeurism, § 5-16-101, if a felony level offense;
- (z) Voyeurism, § 5-16-102, if a felony level offense;
- (aa) Any felony-homicide offense under § 5-10-101, § 5-10-102, or § 5-10-104 if the underlying felony is an offense listed in this subdivision (12)(A)(i); and

- (bb) Sexually grooming a child, [§ 5-27-307](#);
 - (cc) Trafficking of persons under [§ 5-18-103\(a\)\(4\)](#); and
 - (dd) Patronizing a victim of human trafficking, [§ 5-18-104](#);
 - (ii) An attempt, solicitation, or conspiracy to commit any of the offenses enumerated in subdivision (12)(A)(i) of this section;
 - (iii) An adjudication of guilt for an offense of the law of another state:
 - (a) Which is similar to any of the offenses enumerated in subdivision (12)(A)(i) of this section; or
 - (b) When that adjudication of guilt requires registration under another state's sex offender registration laws;
 - (iv) A violation of any former law of this state that is substantially equivalent to any of the offenses enumerated in this subdivision (12)(A);
 - (v)(a) An adjudication of guilt for an offense in any federal court, the District of Columbia, a United States territory, a federally recognized Indian tribe, or for a military offense:
 - (1) Which is similar to any of the offenses enumerated in subdivision (12)(A)(i) of this section; or
 - (2) When the adjudication of guilt requires registration under sex offender registration laws of another state or jurisdiction.
 - (b) If the conviction was for a violation of:
 - (1) [18 U.S.C. § 2252C](#);
 - (2) [18 U.S.C. § 2424](#); or
 - (3) [18 U.S.C. § 2425](#); or
 - (vi) An adjudication of guilt for an offense requiring registration under the laws of Canada, the United Kingdom, Australia, New Zealand, or any other foreign country where an independent judiciary enforces a right to a fair trial during the year in which the conviction occurred.
- (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 a sexually dangerous person;

(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)(A) “Sexually dangerous person” 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.

(B) A person previously classified as a sexually violent predator is now considered a sexually dangerous person.

§ 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;

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

(iv) Files false paperwork or documentation regarding verification, change of information, or petitions to be removed from the registry.

(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 local law enforcement agency having jurisdiction 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 dangerous person.

(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 Community Notification 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 who moves to or returns to this state from another jurisdiction and who would be required to register as a sex offender in the jurisdiction in which he or she was adjudicated guilty or delinquent of a sex offense shall register with the local law enforcement agency having jurisdiction within seven (7) calendar days after the sex offender moves to 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 or delinquent of a sex offense shall register as a sex offender in this state whether living, working, or attending school or other training in Arkansas.

(ii) A nonresident worker or student who enters the state shall register in compliance with the Adam Walsh Child Protection and Safety Act of 2006, [§ 12-12-1119](#) Pub. L. No. 109-248,¹ as it existed on January 1, 2007.

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

(i)(a) Submit to assessment by Community Notification Assessment if he or she is at least eighteen (18) years of age at the time he or she enters this state to live, work, or attend school.

(b) If he or she is under the age of eighteen (18) at the time he or she enters this state to live, work, or attend school, he or she shall submit to assessment by the UAMS Family Treatment Program or other agency or entity authorized to conduct juvenile sex offender assessments;

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

(iii)(a) Pay the mandatory fee of two hundred fifty dollars (\$250) to be deposited into the DNA Detection Fund established by [§ 12-12-1119](#) within ninety (90) days from the date of registration.

(b) Failure to pay the fee required under subdivision (a)(2)(C)(iii)(a) of this section is a Class A misdemeanor.

(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, palm prints, 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 local law

enforcement agency having jurisdiction 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 local law enforcement agency having jurisdiction 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 local law enforcement agency having jurisdiction 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 local law enforcement agency having jurisdiction 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 dangerous person, 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 dangerous person.

(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 local law enforcement agency having jurisdiction of that status and shall register with the local law enforcement agency having jurisdiction over that campus.

(f)(1) An offender required to register under 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 local law enforcement agency having jurisdiction 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, 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 or volunteer work;
 - (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; and

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

(iii) If the local law enforcement agency having jurisdiction cannot confirm that the sex offender's palm prints are contained in the automated palm print identification system, the local law enforcement agency having jurisdiction shall:

(a) Take the sex offender's palm prints; and

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

(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;

(O) All computers or other devices with Internet capability to which the sex offender has access;

(P) All email addresses used by the sex offender;

(Q) All user names, screen names, or instant message names that are used by the sex offender to communicate in real time with another person using the Internet;

(R)(i) Passport.

(ii) The local law enforcement agency having jurisdiction shall obtain a copy of any passport issued to the person by any country in the sex offender's name at each registration verification and submit the copy of any passport to the center;

(S)(i) Immigration documentation.

(ii) The local law enforcement agency having jurisdiction shall obtain a copy of any immigration documents issued to the sex offender by any country at each registration verification and submit a copy of the documents to the center; and

(T)(i) Professional licenses and permits.

(ii) The local law enforcement agency having jurisdiction shall obtain a copy of any federal, state, or local professional license or permit issued to the sex offender at each registration verification and submit a copy of the documents 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 of higher education where he or she is enrolled or employed, 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.

(7) If a person who is required to register as a sex offender owns an aircraft, the person shall provide the following information concerning the aircraft:

(A) The aircraft registration number;

(B) The manufacturer and model of the aircraft; and

(C) A description of the color scheme of the aircraft.

(h)(1) A sexually dangerous person subject to lifetime registration under [§ 12-12-919](#) shall report in person every ninety (90) days 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 dangerous person, 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 dangerous person:

(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 or volunteer work;
- (L) Vehicle make, model, color, and license tag number that the sexually dangerous person 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 dangerous person's fingerprints are contained in the automated fingerprint identification system, the local law enforcement agency having jurisdiction shall:
 - (a) Take the sexually dangerous person's fingerprints; and
 - (b) Submit the fingerprints to the center and to the Department of Arkansas State Police.
- (iii) If the local law enforcement agency having jurisdiction cannot confirm that the sexually violent predator's palm prints are contained in the automated palm print identification system, the local law enforcement agency having jurisdiction shall:
 - (a) Take the sexually violent predator's palm prints; and
 - (b) Submit the palm prints to the center and to the Department of Arkansas State Police;
- (N)(i) Photograph.
- (ii) The local law enforcement agency having jurisdiction shall take a photograph of the sexually dangerous person at each registration verification and submit the photograph to the center;
- (O) All computers or other devices with Internet capability to which the sex offender has access;
- (P) All email addresses used by the sex offender;
- (Q) All user names, screen names, or instant message names that are used by the sex offender to communicate in real time with another person using the Internet;
- (R)(i) Passport.

(ii) The local law enforcement agency having jurisdiction shall obtain a copy of any passport issued to the person by any country in the sexually violent predator's name at each registration verification and submit the copy of any passport to the center;

(S)(i) Immigration documentation.

(ii) The local law enforcement agency having jurisdiction shall obtain a copy of any immigration documents issued to the sexually violent predator by any country at each registration verification and submit a copy of the documents to the center; and

(T)(i) Professional licenses and permits.

(ii) The local law enforcement agency having jurisdiction shall obtain a copy of any federal, state, or local professional license or permit issued to the sexually violent predator at each registration verification and submit a copy of the documents to the center.

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

(A) The name and address of each institution of higher education where he or she is enrolled or employed, 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 dangerous person is a motor vehicle, trailer, mobile home, modular home, or manufactured home, the sexually dangerous person 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 dangerous person is a vessel, live-aboard vessel, or houseboat, the sexually dangerous person 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.
- (7) If a sexually violent predator who is required to register as a sexually violent predator owns an aircraft, the person shall provide the following information concerning the aircraft:
 - (A) The aircraft registration number;
 - (B) The manufacturer and model of the aircraft; and
 - (C) A description of the color scheme of the aircraft.
- (i) After verifying the registration of a sex offender under subsection (g) of this section or a sexually dangerous person under subsection (h) of this section, the local law enforcement agency having jurisdiction shall file the verification with the center in accordance with [§ 12-12-909](#).

§ 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 a sex 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 sex offender and regarding the sex 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 Public Registry.
- (b)(1)(A) No later than ten (10) days after release from incarceration or after the date of sentencing, a sex offender shall report to the local law enforcement agency having jurisdiction and update the information in the registration file.
- (B) If the sex offender is not already registered, the local law enforcement agency having jurisdiction shall register the sex offender in accordance with this subchapter.
- (2) Within three (3) days after registering a sex offender or receiving updated registry information on a sex offender, the local law enforcement agency having

jurisdiction shall report, by written or electronic means, all information obtained from the sex offender to the center.

(3) The local law enforcement agency having jurisdiction shall verify the address of a sexually dangerous person 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 sex offender's full name and all aliases that the sex offender has used or under which the sex 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 sex offender as a sexually dangerous person, aggravated sex offender, or sex offender;
- (18) A statement in writing signed by the sex offender acknowledging that the sex offender has been advised of the duty to register imposed by this subchapter;
- (19) All computers or other devices with Internet capability to which the sex offender has access;
- (20) All email addresses used by the sex offender;
- (21) All user names, screen names, or instant message names that are used by the sex offender to communicate in real time with another person using the Internet; and
- (22) Any other information that the center deems necessary, including without limitation:
 - (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, email addresses, user names, screen names, or instant message names, information that may lead to identification of the victim, and other similar information 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 person required to register as a sex offender shall verify registration every six (6) months after the person's initial registration date during the period of time in which the person is required to register.
- (2)(A)(i) The verification shall be done in person at a local law enforcement agency having jurisdiction at which time the person shall sign and date a Sex Offender Acknowledgment Form in which a law enforcement officer shall also witness and sign.
- (ii) The Sex Offender Acknowledgment Form shall state the date of verification as well as a date certain that the person is required to return in person to a specific local law enforcement agency having jurisdiction to verify his or her address.

(B) The Sex Offender Acknowledgement Form shall be uniform and created by the Arkansas Crime Information Center.

(C) The local law enforcement agency having jurisdiction shall file the verification of registration electronically with the center.

(3) If the person lives in a jurisdiction that does not have a local law enforcement agency having jurisdiction that is able to electronically file the verification, the verification shall be done by certified mail in the following manner:

(A) The center shall mail a nonforwardable verification form to the last reported address of the person by certified mail;

(B)(i) 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 verification form.

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

(C) 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

(D) 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 verification form, the person is in violation of this subchapter.

(4) If the person changes his or her address without notice or fails to return the verification form if he or she is allowed to do so by mail, notification shall be sent to law enforcement and supervising parole or probation authorities, and notice may be posted on the Internet until proper reporting is again established or the person is incarcerated.

(5) Subdivision (a)(1) of this section applies to a person required to register as a sexually dangerous person, except that the person shall verify the registration every ninety (90) days after the date of the initial release or commencement of parole.

(6) Subdivision (a)(1) of this section applies to a person required to register as a sex offender who claims to be homeless except that a person required to register as a sex offender claiming to be homeless shall verify the registration every thirty (30) days during the period of time in which the person is required to register as a sex offender and claims to be homeless.

(b)(1)(A) Before a change of address within the state, a sex offender shall report the change of address to the local law enforcement agency having jurisdiction no

later than ten (10) days before the sex offender establishes residency or is temporarily domiciled at the new address.

(B) The sex offender shall report to the local law enforcement agency having jurisdiction of the new address with three (3) days after relocating to the new address.

(C) Upon receipt of a report of a change of address as described in subdivision (b)(1)(A) of this section, the local law enforcement agency having jurisdiction shall report the change of address to the center.

(D) Other than a change of address as provided in subdivision (b)(1)(A) of this section, a sex offender shall report a change of any other information required to be reported at registration under § 12-12-908 or required to be reported at the time of verification under § 12-12-906 to the local law enforcement agency having jurisdiction within ten (10) days of the change.

(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 sex offender expects to reside.

(c)(1) Before a change of address to another state, a sex offender shall register the new address with the local law enforcement agency having jurisdiction and with a designated law enforcement agency in the state to which the sex offender moves not later than ten (10) days before the sex offender 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 sex offender must register in the new state if the new state has a registration requirement.

(d) The center shall require a sex offender to report any change of information through the local law enforcement agency having jurisdiction.

§ 12-12-910. Fine

(a) 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)(1) A person who relocates to this state and was convicted of an offense in another state that requires registration in this state shall pay a fee of two hundred fifty dollars (\$250) within ninety (90) days from the date of registration.

(2)(A) A person who fails to pay the fee required under subdivision (b)(1) of this section upon conviction is guilty of a Class A misdemeanor.

(B) The person required to register has an affirmative defense to failure to pay a fee if he or she shows that his or her failure to pay the fee was not attributable to a:

(i) Purposeful refusal to obey the sentence of the court; or

(ii) Failure on the defendant's part to make a good faith effort to obtain the funds required for payment.

(c)(1) 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 into the Sex and Child Offenders Registration Fund as established by [§ 12-12-911](#).

(2) The fee provided in subsection (b) of this section shall be collected by the law enforcement agency having jurisdiction over the person's sex offender verification and 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 into 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 a sex offender to be charged with the commission of a violation of this subchapter so that an arrest warrant may be issued, the local law enforcement agency having jurisdiction shall notify the prosecutor when the local law enforcement agency having jurisdiction has reasonable grounds for believing that a sex offender is not registered, has not reported a change of address or change of any other information required to be provided by the sex offender, or has not verified the sex offender's address in violation of this subchapter.
- (b) The address of a sex offender as listed in the sex offender's registration file shall determine which local law enforcement agency has jurisdiction.
- (c) A law enforcement officer shall arrest a sex offender when a warrant has been issued for the sex offender's arrest or the officer has reasonable grounds for believing that a sex offender is not registered or has not reported a change of address or change of any other information required to be provided by the sex offender 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.
- (3) Registration records shall be open to the Division of Medical Services of the Department of Human Services for Medicaid provider applicants under [§ 12-12-927](#).
- (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 Career Education 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 dangerous person 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 Community Notification 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;
- (viii) The sex offender's parole or probation office;
- (ix) The street name and block number, county, city, and zip code where the sex offender is employed;
- (x) Any institution of higher education in which the sex offender is enrolled; and
- (xi) The vehicle identification number and license plate number of any vehicle the sex offender owns or operates.

(B) If a registered sex offender was eighteen (18) years of age or older at the 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 Community Notification 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;
- (viii) The registered sex offender's parole or probation office;
- (ix) The street name and block number, county, city, and zip code where the sex offender is employed;
- (x) Any institution of higher education in which the sex offender is enrolled; and
- (xi) The vehicle identification number and license plate number of any vehicle the sex offender owns or operates.

(C) 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.

(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 dangerous persons, 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 sex offender of the obligation to register pursuant to this subchapter; and

(2) Registering the sex 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. 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 dangerous persons--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 dangerous person 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 dangerous person:

(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.

(2)(A)(i) An adult offender convicted of an offense described in [42 U.S.C. § 14071 et seq.](#), as it existed on March 1, 2003,¹ [Pub. L. No. 109-248](#), as it existed on January 1, 2007,² or [§ 12-12-903\(12\)](#) shall be assessed.

(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 Community Notification 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 Community Notification 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 Community Notification 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 Child Maltreatment Act, [§ 12-18-101 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 dangerous person 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 dangerous person 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 dangerous person 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 dangerous person 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 dangerous person, the address shall be redacted and the sex offender or sexually dangerous person 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 dangerous person 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 be on an Internet-based application accessible to law enforcement, state boards, and licensing agencies.

(iii) The offender fact sheet of a sexually dangerous person or 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 dangerous person 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 dangerous person may request the committee to reassess the assigned risk level of the sex offender or sexually dangerous person

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 or sexually dangerous person 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 dangerous person during a reassessment.

§ 12-12-918. Classification as sexually dangerous person

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

(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 dangerous person.

(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 dangerous person.

(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 dangerous person, 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 dangerous person.

(2) The sentencing court shall retain jurisdiction to determine whether a defendant is a sexually dangerous person 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 who:

(1) Was found to have committed an aggravated sex offense;

(2) Was determined by the court to be or assessed as a Level 4 sexually dangerous person; or

(3) Has pleaded guilty or nolo contendere to or been found 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 apply 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 apply 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 less than twenty (20) days before the date of the hearing on the application, a copy of the application for termination of the obligation to register shall be served on:

- (a) The prosecutor of the county in which the adjudication of guilt triggering registration was obtained if the sex offender was convicted in this state; or
- (b) The prosecutor of the county where a sex offender resides if the sex offender was convicted in another state.
- (iii) A copy also shall be served to the Arkansas Sex Offender Registry in the Arkansas Crime Information Center and to Sex Offender Screening and Risk Assessment at least twenty (20) days before the hearing.
- (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.
- (3)(A) A sex offender required to register as a result of a conviction for permitting the physical abuse of a minor under § 5-24-221¹ may apply for termination of the obligation to register at any time after the effective date of this act.
- (B) The court shall grant an order under this subdivision (b)(3) terminating the obligation to register upon proof by a preponderance of the evidence that the facts underlying the offense for which the sex offender is required to register no longer support a requirement to register.
- (c) If a court denies a petition to terminate the obligation to register under this section, the sex offender may not file a new petition to terminate the obligation to register under this section before one (1) year from the date the order denying the previous petition was filed.

§ 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.

§ 12-12-922. Alternative procedure for sexually dangerous person evaluations--
Administrative review of assigned risk level

- (a)(1) The alternative procedure under this section may be used for sexually dangerous person 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, the local law enforcement agency having jurisdiction may make community notification at the level upon which administrative 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 dangerous person 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 dangerous person under 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.

§ 12-12-924. Disclosure and notification concerning out-of-state sex offenders moving into Arkansas

(a) A local law enforcement agency having jurisdiction where an out-of-state sex offender is moving or has moved may make immediate disclosure of the sex offender's registration in another state before the completion of a sex offender assessment assigning a community notification level.

(b) A local law enforcement agency having jurisdiction where an out-of-state individual is moving or has moved who has been convicted of an offense that would require registration as a sex offender in Arkansas may make immediate notification appropriate for public safety before the completion of a sex offender assessment assigning a community notification level.

§ 12-12-925. Travel outside of the United States

(a) A person who is required to register as a sex offender under this subchapter must report at least twenty-one (21) days before traveling outside of the United States to the local law enforcement agency having jurisdiction that he or she intends to travel outside of the United States.

(b) The person making the report under this section must also report to the local law enforcement agency having jurisdiction:

(1) The dates of travel; and

(2) The foreign country, colony, territory, or possessions that the person will visit.

(c)(1) A local law enforcement agency receiving a report under this section shall immediately report the information to the Arkansas Crime Information Center.

(2) Upon receiving information from a local law enforcement agency under this section, the center shall immediately report the information to the National Sex Offender Public Registry and to the United States Marshals Service.

§ 12-12-926. Release of motor vehicle records by the Department of Finance and Administration

(a) The Department of Finance and Administration may release to a law enforcement officer or agency information contained in a person's motor vehicle record if:

(1) The information is required for the law enforcement officer or agency to comply with this subchapter; and

(2) The use of the information by the law enforcement officer or agency is related to public safety.

(b) A law enforcement officer or agency that obtains a record from the department as provided in subsection (a) of this section may publicly disclose information contained in a person's motor vehicle record if the disclosure of the information is:

(1) Required by this subchapter; and

(2) Related to public safety.

(c) This section does not authorize a law enforcement officer or agency to publicly disclose the following information obtained from a motor vehicle record:

(1) A person's social security number; or

(2) A person's medical or disability information.

§ 12-12-927. Medicaid services by sex offender prohibited

If a court has entered an order requiring a person to register as a sex offender or if the person is listed in the Federal Bureau of Investigation's National Sex Offender Registry, the United States Department of Justice Dru Sjodin National Sex Offender Public Website, or both, the person shall not provide goods or services under the Arkansas Medicaid Program.