



ARKANSAS SENTENCING COMMISSION

1302 Pike Avenue, Suite E • North Little Rock, AR 72114
Phone: (501) 682-5001 • Fax: (501) 682-5018

Impact Assessment for HB1004 Sponsored by Representative Fortner

Subtitle PROHIBITING A PERSON REQUIRED TO REGISTER AS A SEX OFFENDER FROM ENTERING CERTAIN LOCATIONS DESIGNED FOR PUBLIC AQUATIC ACTIVITIES.

Impact Summary¹ Minimal, affecting fewer than ten offenders per year. While the proposed bill creates a new course of conduct for which the likely number of occurrences cannot be determined, the low number of convictions for the offense as currently written makes it unlikely that the proposed bill will have a meaningful impact on the correctional resources of the state.

Change from Current Law² Amends Arkansas Code Annotated § 5-14-133, Registered offender prohibited from entering a water park owned or operated by local government, to broaden the definition of “water park.” Under current law, “water park” means a “recreational facility that has among its features a swimming pool and is open to the general public.” Under the proposed bill “water park” means “a recreational *aquatic* facility that has among its features a swimming pool, wave pool, splash pad, water slide, water feature, or other area dedicated to aquatic activities and is open to the general public.” The penalty for committing this offense remains a Class D felony under the proposed bill.

Impact Information The proposed bill amends the definition of “water park,” thereby creating a new course of conduct by which a person can violate A.C.A. § 5-14-133, Registered offender prohibited from entering a water park owned or operated by local government. Due to the low number of convictions for the offense as it currently exists, the proposed bill is projected to have a minimal impact on correctional resources.

The Arkansas Division of Correction reports no inmates currently serving a term of incarceration for a violation of A.C.A. § 5-14-133, Registered offender prohibited from entering a water park owned or operated by local government, as currently written.

The Administrative Office of the Courts (AOC) reports that for the three (3) year period beginning January 1, 2017 and ending December 31, 2019, there were no felony convictions for a violation of A.C.A. § 5-14-133, Registered offender prohibited from entering a water park owned or operated by local government, as currently written.

¹ This impact assessment was prepared 1/13/2021 3:36 PM by the staff of the Arkansas Sentencing Commission pursuant to A. C. A. § 16-90-802(d)(6) with data supplied by the Arkansas Department of Corrections and the Administrative Office of the Courts. A micro-simulation model may be used for bills which have the potential for significant impact on correctional resources. The following designations will be used: “minimal” = less than 10 offenders per year will be affected; “medium” = would require budgetary increases for ADC inmate costs; and “major” = would require budgetary increases for ADC inmate costs and construction costs for additional beds.

² Standard punishment ranges:

Class Y 10-40 years or life
Class A 6-30 years; up to \$15,000
Class B 5-20 years; up to \$15,000

Class C 3-10 years; up to \$10,000
Class D 0-6 years; up to \$10,000
Unclassified As specified in statute

Misdemeanors
Class A Up to 1 year; up to \$2,500
Class B Up to 90 days; up to \$1,000
Class C Up to 30 days; up to \$500