



ARKANSAS SENTENCING COMMISSION

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Impact Assessment for HB1721 Sponsored by Representative Gazaway

Subtitle TO BE KNOWN AS THE "ARKANSAS PHOENIX ACT OF 2021"; CONCERNING THE STATUTE OF LIMITATIONS FOR CERTAIN OFFENSES; AND CONCERNING THE TRAINING GIVEN TO LAW ENFORCEMENT OFFICERS FOR SITUATIONS IN WHICH DOMESTIC VIOLENCE IS SUSPECTED.

Impact Summary¹ Cannot be determined. Data is unavailable as to the number of occurrences of domestic violence which cannot currently be prosecuted under existing the statute of limitations provisions but may be prosecuted under this proposed bill.

Change from Current Law² Amends Arkansas Code Annotated § 5-1-109, Statute of limitations, to provide for an exception of the statute of limitations in certain circumstances. Under the proposed bill, the State may commence prosecution for certain offenses, even if the statute of limitations has expired, if the offense has not previously been reported to a law enforcement agency or prosecuting attorney and (1) the state discovers DNA evidence sufficient to charge the defendant after the statute of limitations has expired, (2) the state becomes aware of the existence of an audio or video recording, photograph, or a written or electronic communication that provides evidence sufficient to charge the defendant after the statute of limitations has expired, (3) the defendant confesses to the offense and all other elements of the offense are present, or (4) three or more persons also victimized by the defendant present other evidence of the commission of offenses covered by this proposed bill. The exception provided by the proposed bill is for a period of five (5) years after expiration of the statute of limitations for § 5-26-303, Domestic battering in the first degree, § 5-26-304, Domestic battering in the second degree, and § 5-26-306, Aggravated assault on a family or household member. The exception provided by the proposed bill is for a period of three (3) years after the expiration of the statute of limitations for § 5-26-305, Domestic battering in the third degree and § 5-26-307, First degree assault on a family or household member.

The proposed bill also creates additional requirements relating to the domestic violence training for new law enforcement officers.

Impact Information The proposed bill provides a limited exception to the statute of limitations for some domestic violence offenses. Because data is unavailable as to the number of occurrences of domestic violence which may be prosecuted under this proposed bill, but not under current law, the impact of the proposed bill cannot be determined.

¹ This impact assessment was prepared 3/29/2021 2:49 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