



## ARKANSAS SENTENCING COMMISSION

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### Impact Assessment for HB1125 Sponsored by Representative Evans

**Subtitle** TO PROHIBIT A REGISTERED SEX OFFENDER FROM PURCHASING, OWNING, POSSESSING, USING, OR OPERATING AN UNMANNED AIRCRAFT FOR PRIVATE USE.

**Impact Summary**<sup>1</sup> Minimal. While the proposed bill creates a new criminal offense for which the likely number of occurrences cannot be determined, similar criminal offenses have not resulted in a significant impact on correctional resources.

**Change from Current Law**<sup>2</sup> Amends various provisions of the Arkansas Code Annotated regarding prohibited conduct for certain registered sex offenders. The proposed bill creates a new criminal offense. Under the proposed bill it is a Class D felony for a person who is required to registered under the Sex Offender Registration Act and who has been assessed as a Level three (3) or four (4) offender to knowingly purchase, own, possess, use, or operate an unmanned aircraft.

The proposed bill also creates a notification requirement for offenders subject to this restriction, defines “unmanned aircraft,” and creates an exception for offenders who are required to purchase, own, possess, use, or operate an unmanned aircraft as part of their employment.

**Impact Information** The proposed bill creates a new criminal offense for which the likely number of occurrences cannot be determined. However, other similar provisions have not historically had a significant impact on correctional resources. For this reason, the projected impact of the proposed bill is minimal. The data below demonstrates the impact of others sex offender restrictions.

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<sup>1</sup> This impact assessment was prepared 1/23/2023 7:04 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.

<sup>2</sup> 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

The Administrative Office of the Courts reports the following conviction information for the period beginning on 1/1/2020 and ending on 12/31/2022:

ACA Code / Offense	Felony Class	Number of Convictions
§ 5-14-129 Level 3 or 4 offender working with children	D	2
§ 5-14-130 Registered offender providing incorrect address on ID on Drivers' License	D	15
§ 5-14-135 Level 3 or 4 offender participating in certain Halloween related activities	D	0
§ 5-14-137 Level 3 or 4 offender recording a person under 14	D	0

The Arkansas Division of Correction reports the following as of December 2, 2022:

ACA Code / Offense	Total number of inmates with sentence	Inmates with sentence as primary offense
§ 5-14-129 Level 3 or 4 offender working with children	0	0
§ 5-14-130 Registered offender providing incorrect address on ID on Drivers' License	4	0
§ 5-14-135 Level 3 or 4 offender participating in certain Halloween related activities	0	0
§ 5-14-137 Level 3 or 4 offender recording a person under 14	0	0