



## ARKANSAS SENTENCING COMMISSION

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### Impact Assessment for HB1665 Sponsored by Representative Gazaway

**Subtitle** TO AMEND THE LAW CONCERNING REGISTERED SEX OFFENDER ENTERING UPON A SCHOOL CAMPUS.

**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 Arkansas Code Annotated § 5-14-132 concerning a registered sex offender entering a public school campus. The proposed bill amends § 5-14-132(b) to prohibit a registered sex offender from knowingly entering upon the campus of a public school *if, 1) the sex offense that required the sex offender to register under the Sex Offender Registration Act of 1997, § 12-12-901 et seq., involved a victim younger than eighteen (18) years of age, or 2) The sex offender has been assessed as a Level 3 or Level 4 offender.* [New language indicated by *italics.*]

Under current law, it is a Class D felony for a person who is required to register under the Sex Offender Registration Act and who has been assessed as a Level 3 or 4 offender to knowingly enter upon the campus of a public school unless the sex offender meets the criteria for certain exceptions and notice requirements. The proposed bill repeals an exception by which a Level 3 offender can enter a school campus for certain ticketed events in which a family member is participating. [A complete reprint of A.C.A. § 5-14-132 is attached.]

**Impact Information** The proposed bill increases the number of sex offenders to whom this prohibited conduct applies by including offenders required to register for offenses involving a victim younger than eighteen (18) who are assessed as Level 1 and Level 2. As of January 19, 2023, ACIC reports the following count of registered sex offenders at each assessment level:

Level	Total Number
1	1060
2	7523
3	5230
4	486

<sup>1</sup> This impact assessment was prepared 3/28/2023 7:12 AM 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

Since the available data reports violations committed under the law as currently written, which limits the group of offenders to those assessed as Level 3 or Level 4, the likely number of occurrences under the proposed bill cannot be determined. However, the low number of convictions as currently written make it unlikely the proposed bill will have a significant impact on correctional resources.

The Administrative Office of the Courts (AOC) reports that for the three (3) year period beginning on 1/1/2020 and ending on 12/31/2022, there were 11 felony convictions of A.C.A. § 5-14-132, Registered offender prohibited from entering upon school campus — Exception. The Division of Correction (ADC) reports that as of December 2, 2022, there are currently six (6) offenders serving a term of incarceration for a violation of A.C.A. § 5-14-132. Of these, four (4) are serving a term of incarceration for which A.C.A. § 5-14-132 is the primary offense.

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

(a) As used in this section:

(1) “Campus” means the real property, a building, or any other improvement in this state owned, leased, rented, or controlled by or for the operation of a public school;

(2) “Private school” means a school offering instruction for a grade in kindergarten through grade twelve (K-12) in this state that is not a public school; and

(3) “Public school” means any school in this state that is:

(A) A public school operated by a public school district;

(B) A charter school established under the Public School Funding Act of 2003, § 6-20-2301 et seq.;

(C) A state-funded prekindergarten program operated by a public school or an education service cooperative;

(D) The Arkansas School for the Blind;

(E) The Arkansas School for the Deaf;

(F) The Arkansas School for Mathematics, Sciences, and the Arts;

(G) An educational facility of the Division of Youth Services or contracting with the Division of Youth Services; or

(H) An educational facility of the Division of Developmental Disabilities Services.

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

(c) It is not a violation of this section if the sex offender:

(1) Is under twenty-two (22) years of age and is a student enrolled in a kindergarten through grade twelve (K-12) program;

(2) Enters upon the campus for the purpose of attending a graduation ceremony or a baccalaureate ceremony;

(3) Enters upon the campus on a day that is not designated a student contact day by the public school's calendar or on a day in which no school-sponsored event is taking place upon the campus;

(4) Is the parent or guardian of a student enrolled in a public school and enters upon the campus where the student is enrolled for the purpose of:

(A) Delivering to the student medicine, food, or personal items if the medicine, food, or personal items are delivered directly to the public school's office; or

(B) Attending a scheduled parent-teacher conference if the sex offender is escorted to and from the scheduled parent-teacher conference by a designated public school official or employee;

(5) Has been assessed as a Level 3 offender and enters upon the campus for the purpose of attending a school-sponsored event for which an admission fee is charged or tickets are sold or distributed if the sex offender:

(A)

(i) Is the parent or guardian of, is related by blood or marriage within the second degree of consanguinity to, or is a

great-grandparent of a student enrolled in the public school.

(ii) The degree of consanguinity is computed under § 28-9-212; and

(B) Notifies the administration of the school in writing at least twenty-four (24) hours before the start of the school-sponsored event for which an admission fee is charged or tickets are sold or distributed that he or she will be attending the school-sponsored event for which an admission fee is charged or tickets are sold or distributed; or

(6) Has been committed to the Division of Youth Services and attends a public school operated by the Division of Youth Services.

(d)

(1) A sex offender who is the parent or guardian of a student enrolled in a public school and wishes to enter upon the campus where the student is enrolled for any other purpose shall give reasonable notice to the public school principal or his or her designee.

(2)

(A) The public school principal or his or her designee may allow the parent or guardian sex offender to enter upon the campus so long as there is a designated public school official or employee available to escort and supervise the parent or guardian sex offender while he or she remains on campus.

(B) If a designated public school official or employee is not available at the time the parent or guardian sex offender wishes to enter upon the campus, the parent or guardian sex offender shall not enter upon the campus until he or she is notified that a designated public school official or employee is available.

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

(f) It is unlawful for a sex offender who is required to register under the Sex Offender Registration Act of 1997, § 12-12-901 et seq., and who has been assessed as a Level 3 or Level 4 offender to knowingly enter upon the campus of a private school without:

(1) Notifying the private school; and

(2) Subsequently complying with any terms or conditions the private school requires before the sex offender is permitted to enter onto the campus.

### **History**

Acts 2007, No. 992, § 1; 2009, No. 748, § 15; 2017, No. 267, § 1; 2017, No. 909, §§ 1, 2; 2019, No. 187, § 1; 2021, No. 466, § 1.