

ARKANSAS SEX-OFFENDER REGISTRATION AND NOTIFICATION

CONTACT INFORMATION

Arkansas Crime Information Center
Sex-Offender Registry
One Capitol Mall
Little Rock, AK 72201-1049
Telephone: 501-682-2222
E-mail: acic@acic.org
<http://sor.state.co.us/>

NUMBER OF REGISTERED SEX OFFENDERS

3,670 as of February 24, 2003.

1. WHO IS REQUIRED TO REGISTER?

Offenders who:

- (1) are adjudicated guilty on or after August 1, 1997, of a sex offense;
- (2) are serving a sentence of incarceration, probation, parole, or other form of community supervision as a result of an adjudication of guilt on August 1, 1997, for a sex offense;
- (3) are committed following an acquittal on or after August 1, 1997, on the grounds of mental disease or defect for a sex offense;
- (4) are serving a commitment as a result of an acquittal on August 1, 1997, on the grounds of mental disease or defect for a sex offense; and
- (5) were required to be registered under the former Habitual Child Sex-Offender Registration Act,

are required to register.

(Ark. Code Ann. §§ 12-12-905(a)(1)-(5))

2. WHAT DOES “SEX OFFENDER” MEAN?

“Sex offender” means a person who is adjudicated guilty, adjudicated delinquent and ordered to register by a juvenile-court judge, or acquitted on the grounds of mental disease or defect of a sex offense. Sexually violent predators are usually classified as sex offenders.

(Ark. Code Ann. § 12-12-903(13))

3. WHAT DOES “SEXUALLY VIOLENT PREDATOR” MEAN?

“Sexually violent predator” means a person who has been adjudicated guilty, adjudicated delinquent and ordered to register by a juvenile-court judge, 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.

(Ark. Code Ann. § 12-12-903(17))

4. WHAT DOES “SEX OFFENSE” MEAN?

“Sex offense” includes:

- (1) rape;
- (2) sexual misconduct;
- (3) sexual abuse in the first or second degree;
- (4) sexual solicitation of a minor;

- (5) violation of a minor in the first or second degree;
- (6) incest;
- (7) engaging children in sexually explicit conduct for use in a visual or print medium;
- (8) transportation of minors for prohibited sexual conduct;
- (9) employing or consenting to the use of a minor in a sexual performance;
- (10) pandering or possessing a visual or print medium depicting sexually explicit conduct involving a minor;
- (11) producing, directing, or promoting a sexual performance;
- (12) promoting prostitution in the first degree;
- (13) stalking, when ordered by the sentencing court to register as a sex offender;
- (14) indecent exposure to a person under 12;
- (15) exposing another person to the human immunodeficiency virus (HIV), when ordered by the sentencing court to register as a sex offender;
- (16) kidnapping, when the victim is a minor and the offender is not the parent of the victim;
- (17) false imprisonment in the first or second degree when the victim is a minor and the offender is not the parent of the victim;
- (18) permitting abuse of a minor;
- (19) computer child pornography;
- (20) computer exploitation of a minor in the first degree;
- (21) an attempt, solicitation, or conspiracy to commit any of the offenses enumerated in (1) through (20) above; or
- (22) an adjudication of guilt for an offense of the law of another state, for a federal offense, for a tribal court offense, or for a military offense:
 - (a) that is similar to any of the offenses enumerated in (1) through (21) above;
 - (b) when that adjudication of guilt requires registration under another state's sex-offender registration laws; or
 - (c) a violation of any former law of Arkansas that is substantially equivalent to a sex offense.

(Ark. Code Ann. § 12-12-903(12)(A))

A 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 if the offense is not an enumerated sex offense.

(Ark. Code Ann. § 12-12-903(12)(B)(i))

5. WHAT DOES “AGGRAVATED SEX OFFENSE” MEAN?

“Aggravated sex offense” means:

- (1) engaging in sexual acts involving penetration with victims of any age through the use of force or the threat of serious violence; or
- (2) engaging in sexual acts involving the penetration of victims younger than 12.

(Ark. Code Ann. § 12-12-903(3))

6. WHAT DOES “SEXUALLY VIOLENT OFFENSE” MEAN?

“Sexually violent offense” means any state, federal, tribal, or military offense that includes a sexual act with another person if the offense is nonconsensual, regardless of the age of the victim.

(Ark. Code Ann. § 12-12-903(16))

7. ARE JUVENILE OFFENDERS REQUIRED TO REGISTER?

Juveniles who:

- (1) have been ordered to register by a juvenile-court judge after an adjudication of delinquency on or after September 1, 1999, of a sex offense; and
- (2) are serving an order of commitment, transfer of legal custody, probation, court-approved voluntary service in the community, juvenile detention, residential detention, or other form of commitment after an adjudication of delinquency for a sex offense, on September 1, 1999, and after being ordered to register by a juvenile-court judge having jurisdiction,

are required to register.

(Ark. Code Ann. §§ 12-12-905(a)(6)-(7))

8. WHEN AND WHERE DOES AN OFFENDER REGISTER?

An offender must register with the local law-enforcement agency having jurisdiction no later than 10 days after release from incarceration or after the date of sentencing.

(Ark. Code Ann. § 12-12-907(b)(1)(A))

9. WHAT INFORMATION MUST AN OFFENDER PROVIDE AT THE TIME OF REGISTRATION?

Information provided by the offender for initial registration includes his or her:

- (1) full name and all aliases he or she has used or under which he or she has been known;
- (2) date of birth;
- (3) sex;
- (4) race;
- (5) height and weight;
- (6) hair and eye color;
- (7) address of any temporary residence;
- (8) anticipated address of legal residence;
- (9) driver's license number or state-identification number, if available;
- (10) social-security number;
- (11) place of employment, education, or training;
- (12) photograph;
- (13) fingerprints;
- (14) 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;
- (15) offense(s) for which registration is required;
- (16) registration status as a sexually violent predator, aggravated sex offender, or sex offender;
- (17) signed, written statement acknowledging that he or she has been advised of the duty to register; and
- (18) any other information that the Arkansas Crime Information Center deems necessary, including:
 - (a) criminal and corrections records;
 - (b) nonprivileged personnel;
 - (c) treatment and abuse registry records; and
 - (d) evidentiary genetic markers.

(Ark. Code Ann. § 12-12-908(b))

A sexually violent predator must also provide documentation of any treatment received for his or her mental abnormality or personality disorder.

(Ark. Code Ann. § 12-12-906(d))

10. WHAT HAPPENS IF AN OFFENDER CHANGES HIS OR HER ADDRESS OR OTHER REGISTRATION INFORMATION DURING THE REGISTRATION PERIOD?

If an offender changes residency, he or she must give his or her new address and place of employment, education, or training to the Arkansas Crime Information Center in writing no later than 10 days before he or she establishes residency or is temporarily domiciled at a new address.

(Ark. Code Ann. §§ 12-12-906(c)(1)(A)(ii), (c)(2)(B); § 12-12-909(b)(1))

If an offender's address changes due to an eviction, natural disaster, or any other unforeseen circumstance, he or she must give the new address to the Arkansas Crime Information Center in writing no later than five business days after he or she establishes residency.

(Ark. Code Ann. §§ 12-12-906(c)(1)(A)(vi), (c)(2)(E))

A change in an offender's name must be reported to the Director of the Arkansas Crime Information Center within 30 calendar days after the official change in name.

(Ark. Code Ann. § 12-12-906(e)(2))

11. WHAT HAPPENS IF AN OFFENDER MOVES FROM ARKANSAS TO ANOTHER STATE?

If an offender changes residency to another state or enters another state for 14 consecutive days or more or for an aggregate of 30 days or more a year, he or she must also register in that state regardless of permanent residency.

(Ark. Code Ann. § 12-12-906(c)(1)(A)(iii)(a))

An offender must register his or her new address and place of employment, education, or training with the Arkansas Crime Information Center and with a designated law-enforcement agency in the new state no later than 10 days before he or she establishes residency or is temporarily domiciled in the new state.

(Ark. Code Ann. §§ 12-12-906(c)(1)(A)(iii)(b), (c)(2)(C); § 12-12-909(c)(1))

12. IS AN OFFENDER WHO MOVES FROM ANOTHER STATE TO ARKANSAS REQUIRED TO REGISTER?

A sex offender moving or returning to Arkansas from another jurisdiction must register with the local law-enforcement agency having jurisdiction no later than 30 days after he or she establishes residency in a municipality or county of Arkansas.

(Ark. Code Ann. § 12-12-906(a)(2)(A))

13. WHAT IF AN OFFENDER LIVES IN ANOTHER STATE BUT WORKS OR GOES TO SCHOOL IN ARKANSAS?

All persons living in Arkansas who would be required to register as sex offenders in the jurisdiction in which they were adjudicated guilty of a sex offense are required to register as sex offenders in Arkansas whether living, working, or attending school or other training in Arkansas.

(Ark. Code Ann. § 12-12-906(a)(2)(B)(i))

Nonresident workers or students who enter Arkansas for 14 or more consecutive days to work or study or who enter the state for an aggregate of 30 days or more a year are required to register.

(Ark. Code Ann. § 12-12-906(a)(2)(B)(ii))

14. IS REGISTRATION A LIFETIME REQUIREMENT?

Lifetime registration is required for an offender found to have committed an aggravated sex offense, determined by the court to be a sexually violent predator, or found to have been adjudicated guilty of a second or subsequent sex offense under a separate case number, not multiple counts on the same charge.
(Ark. Code Ann. § 12-12-919(a))

Any other sex offender required to register can apply for an order terminating the obligation to register to the sentencing court. The court must hold a hearing on the application at which the applicant and any interested persons may present witnesses and other evidence. The court will grant an order terminating the obligation to register upon proof by a preponderance of the evidence that:

- (1) the applicant, within 15 years after being released from prison or another institution, placed on parole, supervised release, or probation, has not been adjudicated guilty of a sex offense; and
- (2) the applicant is not likely to pose a threat to the safety of others.

(Ark. Code Ann. § 12-12-919(b))

15. ARE THERE ANY PENALTIES FOR FAILING TO REGISTER OR FOR PROVIDING FALSE INFORMATION?

An offender who fails to register or who fails to report changes of address, employment, education, or training, or who refuses to cooperate with the assessment process is guilty of a Class D felony.
(Ark. Code Ann. § 12-12-904(a)(1); § 12-12-906(e)(3))

Failure to comply with registration requirements is grounds for revocation of an offender's probation.
(Ark. Code Ann. § 12-12-906(c)(1)(A)(vii))

16. WHAT INFORMATION IS RELEASED TO THE PUBLIC ABOUT REGISTERED OFFENDERS?

The local law-enforcement agencies having jurisdiction over an offender must disclose relevant and necessary information regarding an offender to the public when the disclosure of such information is necessary for public protection.
(Ark. Code Ann. § 12-12-913(b))

17. CAN I SEARCH THE INTERNET FOR OFFENDERS IN MY AREA?

Offender-registration information is not available on the Internet. The responsibility for notifying the public of sex offenders falls with the law-enforcement agency having jurisdiction over the offender.