



ARKANSAS SENTENCING COMMISSION

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Impact Assessment for HB1437 **Sponsored by Representative Duffield**

Subtitle TO PROHIBIT A PERSON REQUIRED TO REGISTER AS A SEX OFFENDER FROM ENTERING A WATER PARK, SWIMMING AREA, OR CHILDREN’S PLAYGROUND OF A PUBLIC PARK

Impact Summary¹ Minimal. While the proposed bill modifies an existing felony criminal offense for which the likely number of occurrences is unknown, there is currently one (1) offender serving a period of sentence in the Division of Correction for existing or similar conduct.

Change from Current Law² Amends Title 5 of Arkansas Code Annotated (A.C.A.) § 5-14-133, Registered offender prohibited from entering a water park owned or operated by a local government, by repealing it in its entirety. Under the proposed bill, language is added to A.C.A. § 5-14-134, Registered offender prohibited from entering swimming area or children’s playground contained with an Arkansas State Park, that includes a water park as a prohibited location and expands an Arkansas State Park to any public park. Under current law, the unlawful conduct provisions only apply to a swimming area or children’s playground contained within an Arkansas State Park.

The proposed bill repeals a Class D felony offense located at A.C.A. § 5-14-133 and places that unlawful course of conduct in a different section of Title 5 at A.C.A. § 5-14-134.

Impact Information The proposed bill expands conduct provisions in existing criminal penalties.

The Administrative Office of the Courts reports that for the three (3) year period beginning January 1, 2022 and ending December 31, 2024, there were four felony (4) convictions for a violation of A.C.A. § 5-14-133, Registered offender prohibited from entering a water park owned or operated by a local government and one felony (1) conviction for a violation of A.C.A. § 5-14-134, Registered offender prohibited from entering swimming area or children’s playground contained within an Arkansas State Park. Both are Class D felonies.

The Division of Correction (ADC) reports that there is currently one (1) offender serving a sentence for A.C.A. § 5-14-133, Registered offender prohibited from entering a water park owned or operated by a local government and zero (0) offenders serving a sentence for A.C.A. § 5-14-134, Registered offender prohibited from entering a swimming area or children’s playground contained within an Arkansas State Park.

While the impact of the modification of an existing felony offense and the repeal of a separate existing felony offense cannot be determined with certainty, the small number of reported convictions and sentences for existing

¹ This impact assessment was prepared 2/13/2025 9:16 AM by the staff of the Arkansas Sentencing Commission pursuant to A. C. A. § 16-90-802(d)(6) with data supplied by the 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 costs; and “major” = would require budgetary increases for ADC 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

similar conduct makes it unlikely that the proposed bill will have anything more than a minimal impact on existing correctional resources.