

1 State of Arkansas
2 94th General Assembly
3 Regular Session, 2023

A Bill

SENATE BILL 582

4
5 By: Senator Irvin
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For An Act To Be Entitled

8 AN ACT TO PERMIT SENTENCE ENHANCEMENT FOR CERTAIN SEX
9 OFFENDERS; TO PROVIDE FOR THE ADMINISTRATION OF
10 MEDROXYPROGESTERONE ACETATE TREATMENT FOR CERTAIN SEX
11 OFFENDERS; AND FOR OTHER PURPOSES.
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Subtitle

14 TO PERMIT SENTENCE ENHANCEMENT FOR
15 CERTAIN SEX OFFENDERS; AND TO PROVIDE FOR
16 THE ADMINISTRATION OF MEDROXYPROGESTERONE
17 ACETATE TREATMENT FOR CERTAIN SEX
18 OFFENDERS.
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22 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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24 SECTION 1. Arkansas Code Title 5, Chapter 4, Subchapter 7, is amended
25 to add an additional section to read as follows:

26 5-4-708. Administration of medroxyprogesterone acetate to certain sex
27 offenders.

28 (a)(1) Subject to subsection (b) of this section, a person who commits
29 a first offense of any of the following offenses, upon conviction, may be
30 subject to an enhanced sentence of medroxyprogesterone acetate treatment
31 ordered by the court under a schedule of administration ordered by the court
32 and administered and monitored by the Department of Corrections, if the
33 victim of the offense was twelve (12) years of age or younger:

34 (A) Rape, § 5-14-103;

35 (B) Sexual assault in the first degree, § 5-14-124; or

36 (C) Sexual assault in the second degree, § 5-14-125.



1 (2) A person who commits a second or subsequent offense of an
2 offense listed in subdivision (a)(1) of this section, if the victim of the
3 offense was twelve (12) years of age or younger, upon conviction shall be
4 subject to an enhanced sentence of medroxyprogesterone acetate treatment
5 ordered by the court and under a schedule of administration monitored by the
6 Department of Corrections.

7 (b)(1) An order of a court sentencing a defendant to
8 medroxyprogesterone acetate treatment under this section shall be contingent
9 upon a determination by a medical expert appointed by the court that the
10 defendant is an appropriate candidate for medroxyprogesterone acetate
11 treatment.

12 (2) The determination of the medical expert under subdivision
13 (b)(1) of this section shall be made not later than sixty (60) days from the
14 imposition of sentence.

15 (3) An order of the court sentencing a defendant to
16 medroxyprogesterone acetate treatment under this section shall specify the
17 duration of medroxyprogesterone acetate treatment for a specific term of
18 years, or in the discretion of the court, up to the life of the defendant.

19 (c)(1) The department shall provide the services necessary to
20 administer and monitor medroxyprogesterone acetate treatment.

21 (2) In a case involving a defendant sentenced to a period of
22 incarceration or confinement in an institution, the treatment under this
23 section with medroxyprogesterone acetate shall commence not later than one
24 (1) week prior to the defendant’s release from prison or such institution.

25 (3) This section does not require continued medroxyprogesterone
26 acetate treatment under this section when it is not medically appropriate.

27 (d)(1) If a court sentences a defendant to medroxyprogesterone acetate
28 treatment under this section, treatment may not be imposed as a substitute
29 for a penalty or to reduce any other penalty prescribed by law.

30 (2) However, instead of medroxyprogesterone acetate treatment
31 under this section, the court may order the defendant to undergo physical
32 castration if the defendant files a written motion with the court stating
33 that he intelligently and knowingly gives his voluntary consent to physical
34 castration as an alternative to the medroxyprogesterone acetate treatment.

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