

**Stricken language would be deleted from and underlined language would be added to the law as it existed
prior to this session of the General Assembly.
Act 1257 of the Regular Session**

1 State of Arkansas
2 85th General Assembly
3 Regular Session, 2005
4

A Bill

HOUSE BILL 1808

5 By: Representatives Bradford, Harrelson, Reep
6 By: Senator J. Taylor
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For An Act To Be Entitled

AN ACT TO REVISE CRIME LAB PROCEDURES WITH REGARD
TO FIREARMS; AND FOR OTHER PURPOSES.

Subtitle

TO REVISE CRIME LAB PROCEDURES WITH
REGARD TO FIREARMS.

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18 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

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20 SECTION 1. Arkansas Code § 12-12-324 is amended to read as follows:
21 12-12-324. Testing by State Crime Laboratory.

22 (a)(1)~~(A)~~ All firearms which used in the commission of a crime that
23 come into the custody of any law enforcement agency in this state shall be
24 delivered to the State Crime Laboratory within thirty (30) calendar days for
25 ballistics testing.

26 ~~(B)(2)~~ However, if the firearm is being used as evidence
27 in a criminal case, then delivery shall take place within thirty (30)
28 calendar days after the final adjudication of the criminal proceeding.

29 ~~(2) If it would place an unreasonable burden on the law~~
30 ~~enforcement agency to transport the firearm to the laboratory, the person~~
31 ~~responsible for delivery may contact the Department of Arkansas State Police~~
32 ~~and the department will, if possible, accomplish delivery to the laboratory.~~

33 (b)(1)(A) The laboratory ~~shall~~ may conduct ballistics tests on all
34 firearms received and input the resulting data into the National Integrated
35 Ballistics Information Network of the Bureau of Alcohol, Tobacco, Firearms



1 and Explosives.

2 (B) The tests ~~shall~~ may include, but not be limited to,
 3 firing the weapon and ~~photographing~~ electronic imaging of bullets and
 4 casings.

5 (2) The laboratory shall coordinate with all participating
 6 agencies when investigations require the use of the National Integrated
 7 Bullet Identification Network's computer database.

8 (3) The laboratory shall provide written analysis reports and
 9 experts for testimony when feasible.

10 (4) After completion of the testing, the firearms shall be
 11 returned to the law enforcement agencies.

12 ~~(5) Within three (3) working days after completion of the~~
 13 ~~testing, the laboratory shall send notice to the law enforcement agency from~~
 14 ~~which it received the weapon that the testing has been completed.~~

15 ~~(6)~~(5) When the law enforcement agency regains possession of the
 16 firearm, the law enforcement agency shall immediately notify the owner,
 17 unless the owner is prohibited by law from possessing the firearm, that the
 18 owner may regain possession of the firearm at the offices of the law
 19 enforcement agency.

20 (c) Law enforcement agencies in this state may request the assistance
 21 of the ~~department~~ Department of Arkansas State Police in tracing firearms.

22 ~~(d)(1) The department shall coordinate and participate in statewide~~
 23 ~~enforcement programs connected with investigations intended to result in~~
 24 ~~seizure of crime guns and the arrest of violators.~~

25 ~~(2) The department shall assist and coordinate with all law~~
 26 ~~enforcement agencies involved in the tracing of firearms from the suspect~~
 27 ~~back to sources.~~

28 ~~(e)(d)~~ Firearms seized by the Arkansas State Game and Fish Commission
 29 for violation of commission regulations are exempt from this section.

30 (e) The State Crime Laboratory Board may adopt rules for the
 31 implementation of this section, including, but not limited to, rules
 32 regarding testing and submission procedures.

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 35 APPROVED: 3/29/2005
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