

Hall of the House of Representatives
84th General Assembly - Regular Session, 2003
Amendment Form

Subtitle of House Bill No. 1488

"AN ACT TO ALLOW THE ARKANSAS CRIME INFORMATION CENTER AND THE
ARKANSAS STATE POLICE TO RELEASE CERTAIN CRIMINAL HISTORY
INFORMATION TO THE PUBLIC FOR A FEE"

Amendment No. 4 to House Bill No. 1488.

Amend House Bill No. 1488 as engrossed, H3/3/03:

Page 1, line 12 delete "TO THE"

AND

Page 1, line 13 delete "PUBLIC"

AND

Page 1, line 19 delete "TO THE PUBLIC"

AND

Page 1, line 36 add "to employers and professional licensing boards" after "information"

AND

Page 1, line 36 delete "arrests" and substitute "arrest information"

AND

Page 2, line 10 add "into the central repository" after "entered"

AND

Page 2, delete line 12 and substitute "which collects, maintains and disseminates criminal history information;"

AND



RCK707

Page 3, line 20 delete "person or"

AND

Page 3, line 21 delete "agency outside the agency processing the information" and substitute "agency, professional licensing board, business designated by state or federal law, or any other employer legally doing business in and paying taxes to the State of Arkansas who has applied and been approved by the Department of Arkansas State Police to receive the information"

AND

Page 3, line 35 add ",expunged or juvenile" after "sealed"

AND

Page 4, line 16 delete "their"

AND

Page 5, delete lines 7 through 11 and substitute:

"(d)(1) Each employer or professional licensing board that is allowed access to records under this act shall maintain in their files the written consent to obtain the criminal history information given by the applicant or employee.

(2) Those files and consent forms shall be subject to inspection by the Department of the Arkansas State Police."

(e) This section allows the dissemination of information concerning persons who are required to register as sex offenders.

(f) Criminal justice agencies, its employees, and officials shall be immune from civil liability for dissemination of criminal history information under this act."

AND

Page 5, line 16 delete "subject to the"

AND

Page 5, line 17 delete "limitations contained in other provisions of the Arkansas Code." and substitute "as authorized by law."

AND

Page 5, delete lines 21 through 33 and substitute:

"(b) The Department of Arkansas State Police and the Arkansas Crime Information Center are authorized to contract with Information Network of Arkansas under §§ 25-27-101 through 25-27-105 or any other qualified third party vendor in the establishment of the gateway or means of processing these transactions electronically.

(c) The Department of Arkansas State Police shall be authorized to

establish and collect reasonable fees for the service of fingerprinting persons upon their request for noncustodial arrest purposes.”

AND

Page 6, delete lines 4 and 5 and substitute:

“(b) A fee for providing criminal history information will be charged for each criminal history information requested.”

AND

Page 6, line 6 insert the following new section:

“SECTION 9. Right of review and challenge.

(a)(1) A person may review and challenge their criminal history information under § 12-12-1013.

(2) No fee shall be charged for review or challenge of criminal history information.

(b)(1) A person may go to any law enforcement agency, provide positive verification of his or her identity, be fingerprinted by the law enforcement agency and supply written details of the errors in the criminal history information.

(2) The local law enforcement agency must send the fingerprint card and information directly to the Arkansas State Police Identification Bureau.

(3) The law enforcement agency shall verify that the identification of the person and the fingerprint card information are correct.

(4) There is no charge from the Department of Arkansas State Police or the Arkansas Crime Information Center for this review process.

(c)(1) A person upon positive verification of his or her identity may review any requestor information pertaining to such person compiled and maintained through the Department of Arkansas State Police or its designee.

(2) No fee shall be charged for this access.”

AND

Appropriately renumber subsequent sections

AND

Page 6, line 29 insert the following new section:

“SECTION 11. Penalty

(a) Any person who shall knowingly release or disclose to any unauthorized person any information collected and maintained under this act, and any person who knowingly obtains such information for purposes not authorized by this act, shall be deemed guilty of a Class A misdemeanor.

(b) The Department of Arkansas State Police and the Arkansas Crime Information Center shall have the power to promulgate rules and regulations as are necessary to implement, enforce and administer this act.”

AND

Appropriately renumbering subsequent sections.

The Amendment was read _____
By: Representative Mahony
PBB/RCK - 031720031457
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Chief Clerk