

ARKANSAS SENATE
84th General Assembly - Regular Session, 2003
Amendment Form

Subtitle of Senate Bill No. 96

"AN ACT TO PROHIBIT RACIAL PROFILING BY LAW ENFORCEMENT OFFICERS."

Amendment No. 2 to Senate Bill No. 96.

Amend Senate Bill No. 96 as engrossed, S2/24/03:

Page 1, delete lines 9 and 10 and substitute the following:

"AN ACT CREATING A TASK FORCE ON RACIAL PROFILING; AND FOR OTHER PURPOSES."

AND

Page 1, delete lines 13 and 14 and substitute the following:

"AN ACT CREATING A TASK FORCE ON RACIAL PROFILING; AND FOR OTHER PURPOSES."

AND

Delete everything after the enacting clause and substitute the following:

"SECTION 1. Definition.

For purposes of this act, "racial profiling" means the practice of a law enforcement officer relying, to any degree, on race, ethnicity, national origin, or religion in selecting which individuals to subject to routine investigatory activities, or in deciding upon the scope and substance of law enforcement activity following the initial routine investigatory activity, except that racial profiling does not include reliance on the criteria in combination with other identifying factors when the law enforcement officer is seeking to apprehend a specific suspect whose race, ethnicity, or national origin is part of the description of the suspect, and the description is thought to be reliable and locally relevant.

SECTION 2. Prohibition on racial profiling.

(a) No member of the Arkansas State Police, Arkansas Highway Police, a sheriff's department, a municipal police department, constable, or any other law enforcement officer of this state shall engage in racial profiling.

(b) The detention of an individual based on any non criminal factor or combination of non criminal factors is inconsistent with this policy.



SECTION 3. Policies.

(a) Not later than January 1, 2004, the Arkansas State Police, Arkansas Highway Police, all sheriffs' departments, municipal police departments, constables, and all other law enforcement agencies of this state shall adopt a written policy that:

(1) Prohibits racial profiling as defined in section 1 of this act;

(2) Requires that law enforcement officers articulate reasonable suspicion prior to a stop, frisk, arrest, or detention;

(3) Defines reasonable suspicion, to ensure that individuals are stopped for valid reasons, and that race, ethnicity, national origin, or religion are not a basis for stops for violations for which other non group members would not be stopped;

(4) Requires law enforcement officers to identify themselves by full name and jurisdiction, and proffer written identification;

(5)(A) Provides for a systematic review process by supervising personnel within a department or law enforcement agency for investigating allegations of racial profiling to determine whether any officers of the law enforcement agency have a pattern of stopping or searching members of minority groups; and

(B) If the review reveals a pattern, requires an investigation to determine whether any officers of the law enforcement agency routinely stop persons on the basis of race, ethnicity, national origin, or religion as a pretext for investigating other violations of criminal law;

(6) Provides, where a supervisor or other reviewer has detected a pattern of racial profiling, timely assistance, remediation, or discipline for individual law enforcement officers who have been found to be profiling by race, ethnicity, national origin, or religion;

(7) Ensures that supervisors will not retaliate against officers who report racial profiling by others;

(8) Provides for the creation, maintenance, and disposition of documents evidencing a traffic or pedestrian stop; and

(9) Provides standards for the use of in-car audio and visual equipment, including the duration for which the recordings are preserved.

SECTION 4. Training.

(a) Each law enforcement agency shall provide annual training to all officers that:

(1) Emphasizes the prohibition against racial profiling;

(2) Ensures that operating procedures adequately implement the prohibition against profiling and that their law enforcement personnel have copies of, understand, and follow the operating procedures; and

(3) Includes foreign language instruction when appropriate, to ensure adequate communication with residents of a community.

(b) The course or courses of instruction and the guidelines shall stress understanding and respect for racial, ethnic, national, religious, and cultural differences, and development of effective and appropriate methods of carrying out law enforcement duties.

SECTION 5. Task Force on Racial Profiling established.

(a)(1) There is created a task force, consisting of thirteen (13)

members, to be known as the "Task Force on Racial Profiling".

(2) The Governor shall appoint the members as follows:

(A) Four (4) members shall be active or retired law enforcement officers or prosecuting attorneys;

(B) Three (3) members shall be associated with civil rights or community organizations;

(C) Two (2) members shall be lawyers practicing substantially in the field of criminal defense; and

(D) Four (4) members shall be citizen representatives.

(b)(1) Within thirty (30) days after all members are appointed, the members shall meet to organize at a time and place determined by the Governor.

(2) The task force shall select a member to serve as chairperson each year.

(3) The task force shall meet as necessary to carry out its duties under this act and at the call of the chair.

(c) There shall be no compensation for the members of the task force, though each member may receive expense reimbursement in accordance with Arkansas Code § 25-16-902 to the extent funds are available.

(d) General staff support, facilities, and operating assistance for the task force may be provided by the Governor's office.

(e) The task force shall conduct public hearings on racial profiling issues.

(f) Based on the information received at the hearings, the task force shall prepare a report and make recommendations for policies and proposed legislation to the Governor and to the Legislative Council no later than November 1, 2004.

(g) The task force shall expire on December 31, 2004."

The Amendment was read the first time, rules suspended and read the second time and _____

By: Senator Wilkins
LDH/MHF - 031320030737
MHF368

Secretary