

1 State of Arkansas
2 91st General Assembly
3 Regular Session, 2017
4

As Engrossed: S3/1/17
A Bill

SENATE BILL 276

5 By: Senator Irvin
6 By: Representative Watson
7

For An Act To Be Entitled

9 AN ACT CONCERNING COUNTY RECORD RETENTION; TO
10 IMPLEMENT REQUIREMENTS FOR RECORD RETENTION
11 CONVERSION REVIEW; AND FOR OTHER PURPOSES.
12
13

Subtitle

15 CONCERNING COUNTY RECORD RETENTION; AND
16 TO IMPLEMENT REQUIREMENTS FOR RECORD
17 RETENTION CONVERSION REVIEW.
18
19

20 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
21

22 SECTION 1. Arkansas Code § 13-4-301 is amended to read as follows:

23 13-4-301. Retention required – Destruction – Electronic reproduction.

24 (a)(1) ~~All counties of the State of Arkansas~~ A county shall maintain
25 the records named in this subchapter for the period of time provided for in
26 this subchapter, after which time the records may be destroyed.

27 (2)(A) ~~But in no case shall the~~ The records named in this
28 subchapter shall not be destroyed until at least one (1) year after an audit
29 by Arkansas Legislative Audit or ~~any a private auditor audit~~ audit is completed and
30 approved.

31 (B) ~~No record of any kind~~ A record named in this
32 subchapter that is over fifty (50) years old ~~will~~ shall not be destroyed
33 before written notice by the custodian of the records describing the scope
34 and nature of the records in question has been furnished to the Arkansas
35 State Archives, ~~describing the scope and nature of the records,~~ at least
36 sixty (60) days ~~prior to~~ before the destruction of the records.



1 (b)(1) If a record is photographically or electronically transferred
2 to other media of a permanent nature, the original documents may be
3 destroyed, except that no handwritten records over fifty (50) years old shall
4 be destroyed.

5 (2) A county record that is photographically or electronically
6 transferred to other media of a permanent nature shall be transferred by a
7 process that accurately reproduces or forms a durable medium for reproducing
8 the original.

9 (c) When county records are transferred to other media of a permanent
10 nature, the resulting transfer shall meet the following requirements:

11 (1) The information in the county record retained shall be
12 transferred into a usable and accessible format capable of accurately
13 reproducing the original over the time periods specified in this section and
14 §§ 13-4-302 -- 13-4-308;

15 (2) Operational procedures shall ensure that the authenticity,
16 confidentiality, accuracy, reliability, and appropriate level of security are
17 provided to safeguard the integrity of the information in the county record;

18 (3) Procedures shall be available for the backup, recovery, and
19 storage of records to protect the records against media destruction or
20 deterioration and information loss; and

21 (4) A retention conversion-and-review schedule shall be
22 established by each county official to ensure that electronically or
23 optically stored information, for records required to be kept permanently, is
24 reviewed for data conversion at least one (1) time every four (4) years or
25 more frequently when necessary to prevent the physical loss of data or loss
26 due to technological obsolescence of the medium.

27 ~~(e)(d)~~ Before ~~any~~ a record ~~shall be~~ is destroyed, the custodian of the
28 record shall document the date and type of document.

29 (e) Records not addressed explicitly under this subchapter may be
30 destroyed no sooner than three (3) years after an audit by Arkansas
31 Legislative Audit or any private auditor is completed and approved.

32
33 SECTION 2. Arkansas Code § 13-4-302 is amended to read as follows:

34 13-4-302. Court records.

35 ~~All counties of the State of Arkansas shall maintain records for the~~
36 ~~county courts as follows, if they are currently being maintained~~ If a county

1 of the State of Arkansas maintains records for the county courts, the county
2 shall maintain these records as follows:

3 (1)(A) For circuit court, civil and criminal, domestic
4 relations, juvenile, and probate records:

5 ~~(A)(i) Permanently maintain~~ The county shall
6 permanently maintain:

7 ~~(i)(a)~~ Complete case files and written
8 exhibits for all courts;

9 ~~(ii)(b)~~ Case indices for all courts;

10 ~~(iii)(c)~~ Case dockets for all courts;

11 ~~(iv)(d)~~ Grand jury reports;

12 ~~(v)(e)~~ Grand juror lists;

13 ~~(vi)(f)~~ Petit jury lists in criminal cases;

14 ~~(vii)(g)~~ Original records, documents, and
15 transcripts relating to the summoning of jurors and jury selection for a
16 petit jury in a criminal case; and

17 ~~(viii)(h)~~ All probate records required to be
18 maintained under § 28-1-108;

19 ~~(B)(ii) Maintain~~ The county shall maintain for ten
20 (10) years, after audit by Arkansas Legislative Audit:

21 ~~(i)(a)~~ Records and reports of costs; and

22 ~~(ii)(b)~~ Fees assessed and collected; and

23 ~~(C)(iii) Maintain~~ The county shall maintain for
24 three (3) years, after audit by Arkansas Legislative Audit:

25 ~~(i)(a)~~ Canceled checks;

26 ~~(ii)(b)~~ Bank statements;

27 ~~(iii)(c)~~ Petit jury lists in civil cases and
28 original records, documents, and transcripts relating to the summoning of
29 jurors and jury selection for a petit jury in a civil case; and

30 ~~(iv)(d)~~ Served and quashed warrants+.

31 (B) The county shall maintain records of the juvenile
32 division of circuit court, in accordance with § 9-27-309 and other provisions
33 of Title 9 and the Arkansas Juvenile Code of 1989, § 9-27-301 et seq.;

34 (2) For county court records:

35 (A) ~~Permanently maintain~~ The county shall permanently
36 maintain:

1 (i) County court ~~record~~ records;
 2 (ii) Cemetery permits;
 3 (iii) ~~Statement~~ Statements of receipt and
 4 expenditures; and
 5 (iv) County improvement ~~districts~~ district reports;
 6 and

7 (B) ~~Maintain~~ The county shall maintain for ten (10) years,
 8 after audit by Arkansas Legislative Audit:

9 (i) County court ~~file~~ files;
 10 (ii) County general claims ~~docket~~ dockets;
 11 (iii) County road claims ~~docket~~ dockets;
 12 (iv) Contracts for lease-purchase on rental
 13 payments;
 14 (v) County school board financial reports;
 15 (vi) Solid waste disposal revenue bonds; and
 16 (vii) ~~Allocation~~ Allocations of state funds for
 17 solid waste disposal; ~~and~~

18 (3) For quorum court records:

19 (A) ~~Permanently maintain~~ The county shall permanently
 20 maintain:

21 (i) Ordinance, appropriation ordinance, and
 22 resolution ~~register~~ registers;
 23 (ii) ~~Record~~ Records of proceedings;
 24 (iii) Codification of ordinances;
 25 (iv) ~~Register~~ Registers of county advisory and
 26 administrative boards;
 27 (v) Appointments to subordinate service districts;
 28 and
 29 (vi) Quorum court minutes; and

30 (B) ~~Maintain~~ The county shall maintain for one (1) year
 31 the county treasurer's monthly financial report.

32
 33 SECTION 3. Arkansas Code § 13-4-306 is amended to read as follows:

34 13-4-306. Voter registration and election records.

35 All counties ~~of the State of Arkansas~~ shall maintain county voter
 36 registration and election records for the county as follows, if ~~they~~ the

1 records are currently being ~~maintained~~:

2 (1) ~~Maintain~~ Maintained permanently:

3 (A) Voter registration record files;

4 (B) Maps of election precincts from the county election
5 commission;

6 (C) ~~Certificate~~ Certificates of election; and

7 (D) Ordinance election results; and

8 (2)(A) ~~Maintain~~ Maintained for ten (10) years, after canceled, a
9 person's voter registration record and reason for cancellation of a person's
10 voter registration.

11 (B) ~~Maintain~~ Maintained for ten (10) years:

12 (i) Minutes of board of election commission; and

13 (ii) Election ~~file~~ files.

14 (C) ~~Maintain~~ Maintained for five (5) years:

15 (i) Petition, certificate, and notices for
16 ordinance;

17 (ii) Political practice ~~pledge~~ pledges;

18 (iii) Campaign contribution and expenditure sheets;

19 (iv) Code of ethics statements; and

20 (v) Financial ~~disclosure~~ disclosures.

21 (D) ~~Maintain~~ Maintained for two (2) years:

22 (i) Acknowledgement notices giving the disposition
23 of a person's voter registration application;

24 (ii) Precinct voter registration lists prepared for
25 each election;

26 (iii) Confirmation notices mailed by a county clerk
27 to confirm a voter's change of residence or name;

28 (iv) Confirmation return cards received in response
29 to a confirmation notice; ~~and~~

30 (v) Absentee ballot applications and lists, except
31 where litigation follows or federal law governs-;

32 (vi) Voter registration cards; and

33 (E) Until an election is certified to the Secretary of
34 State under § 7-5-701, all unused ballots.

35

36 SECTION 4. Arkansas Code § 13-4-401 is amended to read as follows:

1 13-4-401. Retention required – Destruction – Electronic reproduction.

2 (a)(1) A county sheriff's office shall maintain the records named in
3 this subchapter for the period of time provided in this subchapter, after
4 which time the records may be destroyed.

5 (2)(A) ~~In no case shall administrative records~~ Administrative
6 records shall not be destroyed until at least one (1) year after an audit by
7 Arkansas Legislative Audit or a private auditor is completed and approved.

8 (B) ~~Any~~ A record over fifty (50) years old ~~will~~ shall not
9 be destroyed before written notice by the custodian of the records in
10 question has been furnished to the Arkansas State Archives, describing the
11 scope and nature of the records, at least sixty (60) days before the
12 destruction of the records.

13 (b)(1) If a record is photographically or ~~otherwise~~ electronically
14 transferred to other media of a permanent nature, the original document may
15 be destroyed, except that a handwritten record over fifty (50) years old
16 shall not be destroyed.

17 (2) A county record that is photographically transferred to
18 other media of a permanent nature shall be transferred by a process that
19 accurately reproduces or forms a durable medium for reproducing the original.

20 (c) When county records are transferred to other media of a permanent
21 nature, the resulting transfer shall meet the following requirements:

22 (1) The information in the county record retained shall be
23 transferred into a usable and accessible format capable of accurately
24 reproducing the original over the time periods specified in § 13-4-301 et
25 seq.;

26 (2) Operational procedures shall ensure that the authenticity,
27 confidentiality, accuracy, reliability, and appropriate level of security are
28 provided to safeguard the integrity of the information in the county record;

29 (3) Procedures shall be available for the backup, recovery, and
30 storage of records to protect the records against media destruction or
31 deterioration and information loss; and

32 (4) A retention conversion-and-review schedule shall be
33 established to ensure that electronically or optically stored information is
34 reviewed for data conversion at least one (1) time every four (4) years or
35 more frequently when necessary to prevent the physical loss of data or loss
36 due to technological obsolescence of the medium.

1 ~~(e)~~(d) Before any record is destroyed, the custodian of the record
2 shall document the date and type of document.

3 (e) Records explicitly not addressed in this subchapter may be
4 destroyed no sooner than three (3) years after an audit by Arkansas
5 Legislative Audit or a private auditor is completed and approved.

6
7 SECTION 5. Arkansas Code § 13-4-403 is amended to read as follows:
8 13-4-403. Criminal investigation documentation.

9 (a) ~~In~~ As used in this section, "criminal investigation documentation"
10 includes without limitation:

- 11 (1) Incident or offense reports;
12 (2) Arrest warrant records;
13 (3) Search warrant records; and
14 (4) Investigative case files, including:
15 (A) Photographs;
16 (B) Lab reports; and
17 (C) Audiovisual media.

18 (b) Criminal investigation documentation shall be retained for the
19 following periods of time:

20 (1) If the documentation is associated with a Class Y *or Class A*
21 felony, it shall be retained ~~indefinitely~~ for at least thirty (30) years;

22 (2) If the documentation is associated with ~~any other~~ a non-
23 Class Y felony, it shall be retained for at least ten (10) years;

24 (3) If the documentation is associated with a misdemeanor or
25 violation, it shall be retained for at least five (5) years; and

26 (4) If the documentation relates to a civil matter or ~~any~~ other
27 noncriminal matter, it shall be retained for at least three (3) years.

28 (c) Criminal investigation documentation may be disposed of by the
29 order of the county judge upon recommendation of the county sheriff after the
30 period of time dictated by subsection (b) of this section.

31
32 SECTION 6. Arkansas Code § 13-4-404 is amended to read as follows:
33 13-4-404. Jail booking records.

34 (a) ~~In~~ As used in this section, "jail booking records" means records
35 generated and kept during jail booking procedures and while a person is in
36 custody and includes without limitation:

- 1 (1) Fingerprint cards;
- 2 (2) Booking photographs; and
- 3 (3) Jail detention logs.

4 (b) Jail booking records shall be kept for ~~thirty (30)~~ at least five
5 (5) years, after which time they may be disposed of by order of the county
6 judge upon recommendation of the county sheriff.

7

8 SECTION 7. Arkansas Code § 13-4-405 is amended to read as follows:
9 13-4-405. Dispatch reports.

10 (a) ~~In~~ As used in this section, "dispatch reports" means records
11 generated and kept regarding:

- 12 (1) Incoming calls to the county sheriff's office involving
- 13 reports or complaints from the general public;
- 14 (2) Complaint cards; and
- 15 (3) Radio traffic logs.

16 (b) Dispatch reports shall be kept for a period of ~~seven (7)~~ at least
17 five (5) years, after which they may be disposed of by the order of the
18 county judge upon recommendation of the county sheriff.

19

20 /s/ Irvin

21

22

23

24

25

26

27

28

29

30

31

32

33

34

35

36