

**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 168 of the Regular Session**

1 State of Arkansas
2 87th General Assembly
3 Regular Session, 2009
4

A Bill

SENATE BILL 142

5 By: Senator B. Pritchard
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For An Act To Be Entitled

9 AN ACT TO AUTHORIZE AN ALTERNATE METHOD FOR
10 NATIONAL FINGERPRINT-BASED BACKGROUND CHECKS FOR
11 NON-CRIMINAL JUSTICE PURPOSES; AND FOR OTHER
12 PURPOSES.
13

Subtitle

14 AN ACT TO ESTABLISH AN ALTERNATE
15 FINGERPRINT-BASED BACKGROUND CHECK.
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19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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21 SECTION 1. Arkansas Code § 12-12-1009 is amended to read as follows:

22 12-12-1009. Dissemination of conviction information for noncriminal
23 justice purposes.

24 (a) Conviction information shall be made available for the following
25 noncriminal justice purposes:

26 (1) To any local, state, or federal governmental agency that
27 requests the conviction information for the enforcement of a local, state, or
28 federal law;

29 (2) To any entity authorized either by the subject of the record
30 in writing or by state or federal law to receive the conviction information;
31 and

32 (3) To any federal agency or central repository in another state
33 requesting the conviction information for a purpose authorized by law.

34 (b) Conviction information disseminated for noncriminal justice
35 purposes under this subchapter shall be used only for the purposes for which



1 it was made available and may not be redisseminated.

2 (c) Nonconviction information shall not be available under the
3 provisions of this subchapter for noncriminal justice purposes.

4 (d) No agency or individual shall confirm the existence or
5 nonexistence of criminal history information to any person or organization
6 that would not be eligible to receive the information pursuant to this
7 subchapter.

8 (e) A local agency may release its own agency records according to its
9 own policy.

10 (f) The Arkansas State Police Automated Fingerprint Identification
11 System may access and use the National Fingerprint File and Interstate
12 Identification Index as provided by the Federal Bureau of Investigation when
13 the Arkansas Code authorizes a fingerprint-based Federal Bureau of
14 Investigation check for a noncriminal justice purpose and a positive
15 identification based on fingerprints is made.

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17 SECTION 2. Arkansas Code § 12-12-1507 is amended to read as follows:
18 12-12-1507. Administration.

19 (a)(1) Release of criminal history information under this subchapter
20 shall be made only by the Identification Bureau of the Department of Arkansas
21 State Police and the Arkansas Crime Information Center as authorized by law.

22 (2) The Department of Arkansas State Police and the center may
23 adopt rules and regulations consistent with the provisions and intent of this
24 subchapter.

25 (b) The department and the center may contract with the Information
26 Network of Arkansas under the Information Network of Arkansas Act, § 25-27-
27 101 et seq., or any other qualified third-party vendor in the establishment
28 of the gateway or means of electronically processing transactions under this
29 subchapter.

30 (c)(1) The department shall not process a request for a Federal Bureau
31 of Investigation background check unless a corresponding state background
32 check through the Identification Bureau of the Department of Arkansas State
33 Police has also been properly requested pursuant to this subchapter.

34 (2) The requirements of subdivision (c)(1) of this section may
35 be waived upon written authorization of the Director of the Department of
36 Arkansas State Police.

