

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

# A Bill

SENATE BILL 16

5 By: Senator A. Clark  
6 By: Representatives Gates, Hammer  
7

## For An Act To Be Entitled

9 AN ACT TO AUTHORIZE A REVIEW OF AGENCY PROCEDURE; TO  
10 AMEND CONFIDENTIALITY AND DISCLOSURE PROVISIONS OF  
11 THE CHILD MALTREATMENT ACT; AND FOR OTHER PURPOSES.  
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## Subtitle

15 TO AUTHORIZE A REVIEW OF AGENCY  
16 PROCEDURE; AND TO AMEND CONFIDENTIALITY  
17 AND DISCLOSURE PROVISIONS OF THE CHILD  
18 MALTREATMENT ACT.  
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21 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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23 SECTION 1. Arkansas Code § 12-18-103, concerning definitions, is  
24 amended to add an additional subdivision to read as follows:

25 (27) "Agency procedure" means the compliance or lack of compliance by  
26 the Department of Human Services, the Department of Arkansas State Police, or  
27 other entity authorized under this chapter to perform investigations or  
28 provide services to children, individuals, or families with requirements  
29 under this chapter and rules under § 12-18-105.  
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31 SECTION 2. Arkansas Code § 12-18-104, concerning confidentiality, is  
32 amended to add an additional subdivision to read as follows:

33 (c) This section does not prohibit a review of agency procedure under  
34 § 12-18-109.  
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36 SECTION 3. Arkansas Code Title 12, Chapter 18, Subchapter 1, is



1 amended to add an additional section to read as follows:

2 12-18-109. Review of agency procedure.

3 (a)(1) Acting in their official capacities, individual United States  
4 and Arkansas senators and representatives and their authorized staff members  
5 may request information related to a child maltreatment investigation under  
6 this chapter from the Department of Human Services, the Department of  
7 Arkansas State Police, or other entity authorized under this chapter to  
8 perform investigations or provide services to children, individuals, or  
9 families in order to conduct a review of agency procedure and the Department  
10 of Human Services, the Department of Arkansas State Police, or other entity  
11 shall comply with the request for information.

12 (2) Individual United States and Arkansas senators and  
13 representatives and their authorized staff members under subdivision (a)(1)  
14 of this section may request information concerning unlawful activity of an  
15 agency employee or an agency employee's violation of agency procedure related  
16 to a child maltreatment investigation under this chapter from the Department  
17 of Human Services, the Department of Arkansas State Police, or other entity  
18 authorized under this chapter to perform investigations or provide services  
19 to children, individuals, or families and the Department of Human Services,  
20 the Department of Arkansas State Police, or other entity shall comply with  
21 the request for information.

22 (b)(1) A review of agency procedure under subsection (a) of this  
23 section shall not be conducted in a public setting, but may include  
24 disclosure of information described in subsection (a) of this section to a  
25 legislative body.

26 (2) This subsection does not permit the redisclosure of  
27 confidential information subsequent to the conclusion of the review of agency  
28 procedure.

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30 SECTION 4. Arkansas Code § 12-18-502(b), concerning release and  
31 disclosure of data generally, is amended to add an additional subdivision to  
32 read as follows:

33 (b)(1) A person or agency to whom disclosure is made shall not  
34 disclose to any other person a report or other information obtained pursuant  
35 to this section.

36 (2) However, the person or agency is permitted to consult his or

1 her own attorney regarding the information in any notice provided by the  
2 Department of Human Services and the Department of Arkansas State Police.

3 (3) This section does not prohibit a review of agency procedure  
4 under § 12-18-109.

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6 SECTION 5. Arkansas Code § 12-18-620(e)(10), concerning release of  
7 information on a pending investigation, is amended to add an additional  
8 subdivision to read as follows:

9 (10)(A) Acting in their official capacities, individual United  
10 States and Arkansas senators and representatives and their authorized staff  
11 members, but only if they agree not to permit any redisclosure of the  
12 information.

13 (B) However, disclosure shall not be made to any committee  
14 or legislative body.

15 (C) This section does not prohibit a review of agency  
16 procedure under § 12-18-109.

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18 SECTION 6. Arkansas Code § 12-18-710(e)(11), concerning release of  
19 information on a true investigative determination pending due process, is  
20 amended to add an additional subdivision to read as follows:

21 (11)(A) Acting in their official capacities, individual United States  
22 and Arkansas senators and representatives and their authorized staff members,  
23 but only if they agree not to permit any redisclosure of the information.

24 (B) However, disclosure shall not be made to any committee  
25 or legislative body.

26 (C) This section does not prohibit a review of agency  
27 procedure under § 12-18-109.

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29 SECTION 7. Arkansas Code § 12-18-909(g)(15), concerning availability  
30 of true reports of child maltreatment from the central registry, is amended  
31 to add an additional subdivision to read as follows:

32 (15)(A) Acting in their official capacities, individual United  
33 States and Arkansas senators and representatives and their authorized staff  
34 members, but only if they agree not to permit any redisclosure of the  
35 information.

36 (B) However, disclosure shall not be made to any committee

1 or legislative body of any information that identifies any recipient of  
2 services by name or address;

3 (C) This section does not prohibit a review of agency  
4 procedure under § 12-18-109;

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6 SECTION 8. Arkansas Code § 12-18-910(f)(6), concerning availability of  
7 screened-out and unsubstantiated reports, is amended to add an additional  
8 subdivision to read as follows:

9 (6)(A) Acting in their official capacities, individual United  
10 States and Arkansas senators and representatives and their authorized staff  
11 members, but only if they agree not to permit any redisclosure of the  
12 information.

13 (B) However, disclosure shall not be made to any committee  
14 or legislative body of any information that identifies any recipient of  
15 services by name or address;

16 (C) This section does not prohibit a review of agency  
17 procedure under § 12-18-109;

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