

1 State of Arkansas As Engrossed: H3/16/21 H3/17/21

2 93rd General Assembly

A Bill

3 Regular Session, 2021

HOUSE BILL 1696

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5 By: Representatives Crawford, *Boyd*

6 By: *Senator G. Stubblefield*

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For An Act To Be Entitled

9 AN ACT CONCERNING THE TAKING OF FINGERPRINTS, A DNA
10 SAMPLE, AND PHOTOGRAPH FOR A PERSON ARRESTED FOR A
11 CLASS A MISDEMEANOR; AND FOR OTHER PURPOSES.

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Subtitle

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16 CONCERNING THE TAKING OF FINGERPRINTS, A
17 DNA SAMPLE, AND PHOTOGRAPH FOR A PERSON
18 ARRESTED FOR A CLASS A MISDEMEANOR.

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

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SECTION 1. Arkansas Code § 12-12-1006(a) and (b), concerning the
23 taking of fingerprints, a DNA sample, and a photograph of an arrested person,
24 are amended to read as follows:

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(a)(1)(A)(i) Immediately following an arrest for ~~an offense~~ a Class A
26 misdemeanor, a law enforcement official ~~at the receiving criminal detention~~
27 ~~facility shall~~ may take, or cause to be taken, the fingerprints and a
28 photograph of the arrested person ~~if the offense is a felony or a Class A~~
29 ~~misdemeanor~~.

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(ii) Immediately following an arrest for a felony
31 offense, a law enforcement official at the receiving criminal detention
32 facility shall take, or cause to be taken, the fingerprints and a photograph
33 of the arrested person.

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(B) A law enforcement official ~~at the receiving criminal~~
35 ~~detention facility~~ shall not take fingerprints of the arrested person if:

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(i) The arrest was for a probation violation; and



1 (ii) The arrested person's fingerprints are already
2 possessed by the Identification Bureau of the Department of Arkansas State
3 Police.

4 (2) In addition to the requirements of subdivision (a)(1) of
5 this section, a law enforcement official at the receiving criminal detention
6 facility shall take, or cause to be taken, a DNA sample of a person arrested
7 for any felony offense.

8 (b)(1) When the first appearance of a defendant in court is caused by
9 a citation or summons for ~~an offense~~ a Class A misdemeanor, a law enforcement
10 official ~~at the receiving criminal detention facility~~ shall take, or cause to
11 be taken, the fingerprints and a photograph of the arrested person ~~when the~~
12 ~~offense is a felony or a Class A misdemeanor.~~

13 (2)(A) When the first appearance of a defendant in court is
14 caused by a summons for a felony offense, a law enforcement official at the
15 receiving criminal detention facility shall take, or cause to be taken, the
16 fingerprints and a photograph of the arrested person.

17 ~~(2)(B)~~ In addition to the requirements of subdivision
18 ~~(b)(1)(b)(2)(A)~~ of this section, if the first appearance of a defendant in
19 court is caused by a ~~citation or~~ summons for a felony offense ~~enumerated in~~
20 ~~subdivision (a)(2) of this section~~, the court immediately shall order and a
21 law enforcement officer shall take or cause to be taken a DNA sample of the
22 arrested person.

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25 /s/Crawford
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