1	State of Arkansas	A Bill	
2	ř	A DIII	GENTA THE DAY 1. 150
3	Regular Session, 2021		SENATE BILL 172
4			
5	By: Senator G. Leding		
6	By: Representative Hudson		
7	For An	Act To Be Entitled	
8 9	AN ACT CONCERNING RECORDS AND PHOTOGRAPHS KEPT BY THE		
10 11	STATE CRIME LABORATORY; TO DECLARE AN EMERGENCY; AND FOR OTHER PURPOSES.		
12	FOR OTHER FURFOSES.		
13			
14		Subtitle	
15	CONCERNING RECORD	S AND PHOTOGRAPHS KEPT	
16	BY THE STATE CRIME LABORATORY; AND TO		
17	DECLARE AN EMERGENCY.		
18			
19			
20	BE IT ENACTED BY THE GENERAL ASSEM	BLY OF THE STATE OF ARK	ANSAS:
21			
22	SECTION 1. Arkansas Code §	12-12-312(a), concernin	ng confidential and
23	privileged records kept by the Sta	te Crime Laboratory, is	amended to read as
24	follows:		
25	(a)(1)(A)(i) The records, fi	iles, and information k	cept, obtained, or
26	retained by the State Crime Labora	tory under this subchap	oter are privileged
27	and confidential.		
28	(ii) Hower	ver, the laboratory sha	all grant access to
29	records pertaining to a defendant,	s criminal case to the	following persons:
30	(a)	The defendant;	
31	(b)	The public defender or	other attorney of
32	record for the defendant; and		
33	(c)	The prosecuting attorn	ey or deputy
34	prosecuting attorney having jurisd	iction over the crimina	al case.
35	(iii) The	records, files, and in	aformation shall not
36	be released to a person or entity	other than those listed	l in subdivision

- 1 (a)(1)(A)(ii) of this section except at the direction of a court of competent
- 2 jurisdiction or the prosecuting attorney having eriminal jurisdiction over
- 3 the criminal case.
- 4 (iv) In cases in which the cause and manner of death
- 5 are not criminal in nature, the laboratory may communicate without  $\underline{\text{the}}$  prior
- 6 authorization required under subdivision (a)(1)(A)(iii) of this section with
- 7 the decedent's next of kin or the next of kin's designee, including without
- 8 limitation:
- 9 (a) Parents;
- 10 (b) Grandparents;
- 11 (c) Siblings;
- 12 (d) Spouses;
- 13 (e) Adult children; or and
- 14 (f) Legal guardians.
- 15 (B)(i) This section does not diminish the right of a
- 16 defendant, his or her attorney, or an attorney who has provided a signed
- 17 release from the defendant to full access to all records pertaining to the
- 18 case.
- 19 (ii) Promptly after discovering any evidence in a
- 20 defendant's case that is kept, obtained, or retained by the laboratory and
- 21 which that tends to negate the guilt of the defendant as to the offense
- 22 charged or would tend to reduce the defendant's punishment, the prosecuting
- 23 attorney with jurisdiction over the case shall disclose the existence of the
- 24 evidence to the defendant or his or her attorney.
- 25 (C) The Department of Health may access autopsy records,
- 26 files, and information under this subchapter for the purpose of implementing
- 27 the quality improvement provisions of the Trauma System Act, § 20-13-801 et
- 28 seq., and the rules adopted by the State Board of Health under the Trauma
- 29 System Act, § 20-13-801 et seq.
- 30 (2) However, a full report of the facts developed by the State
- 31 Medical Examiner or his or her assistants shall be promptly filed with the
- 32 law enforcement agencies, county coroner, and prosecuting attorney of the
- 33 jurisdiction in which the death occurred.
- 34 (3) This section does not require the laboratory to provide a
- 35 photograph to a defendant in the custody of the Department of Corrections
- 36 <u>that:</u>

1	(A) Depicts a crime scene;		
2	(B) Depicts the victim of a crime; or		
3	(C) Was taken in conjunction with an autopsy.		
4			
5	SECTION 2. EMERGENCY CLAUSE. It is found and determined by the		
6	General Assembly of the State of Arkansas that possession of photographs		
7	described in this act by an inmate in the Department of Corrections		
8	compromises the security of the correctional facility in which the inmate i		
9	housed. Therefore, an emergency is declared to exist, and this act being		
10	immediately necessary for the preservation of the public peace, health, and		
11	safety shall become effective on:		
12	(1) The date of its approval by the Governor;		
13	(2) If the bill is neither approved nor vetoed by the Governor,		
14	the expiration of the period of time during which the Governor may veto the		
15	bill; or		
16	(3) If the bill is vetoed by the Governor and the veto is		
17	overridden, the date the last house overrides the veto.		
18			
19			
20			
21			
22			
23			
24			
25			
26			
27			
28			
29			
30			
31			
32			
33			
34			
35			
36			