

1 State of Arkansas
2 93rd General Assembly
3 Regular Session, 2021
4

A Bill

SENATE BILL 346

5 By: Senators Rapert, Irvin, B. Johnson, K. Hammer, D. Wallace, J. English, Gilmore, M. Johnson, Hickey
6 By: Representatives Beck, Bentley, Slape, Christiansen, Hollowell, C. Cooper, Tosh, Gazaway, Rye,
7 Maddox, M. McElroy, Dalby, Evans
8

For An Act To Be Entitled

10 AN ACT TO AMEND THE LAW CONCERNING THE USE OF AUDIO
11 MEDIA, VISUAL MEDIA, AND AUDIOVISUAL MEDIA BY LAW
12 ENFORCEMENT AGENCIES; AND FOR OTHER PURPOSES.
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Subtitle

15 TO AMEND THE LAW CONCERNING THE USE OF
16 AUDIO MEDIA, VISUAL MEDIA, AND
17 AUDIOVISUAL MEDIA BY LAW ENFORCEMENT
18 AGENCIES.
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22 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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24 SECTION 1. Arkansas Code § 13-4-403 is amended to read as follows:
25 13-4-403. Criminal investigation documentation – Definition.

26 (a) As used in this section, “criminal investigation documentation”
27 includes without limitation:

- 28 (1) Incident or offense reports;
- 29 (2) Arrest warrant records;
- 30 (3) Search warrant records; and
- 31 (4) Investigative case files, including:
 - 32 (A) Photographs;
 - 33 (B) Lab reports; and
 - 34 (C) ~~Audiovisual~~ Audio media, visual media, and audiovisual

35 media.

36 (b) Criminal investigation documentation shall be retained for the



1 following periods of time:

2 (1) If the criminal investigation documentation is associated
3 with a Class Y or Class A felony, it shall be retained for at least thirty
4 (30) years;

5 (2) If the criminal investigation documentation is associated
6 with a non-Class Y felony, it shall be retained for at least ten (10) years;

7 (3) If the criminal investigation documentation is associated
8 with a misdemeanor or violation, it shall be retained for at least ~~five (5)~~
9 three (3) years; and

10 (4) If the criminal investigation documentation relates to a
11 civil matter or other noncriminal matter, it shall be retained for at least
12 three (3) years; and

13 (5) If the criminal investigation documentation is associated
14 with a use of force by law enforcement, law enforcement complaints, or
15 administrative proceedings, it shall be retained for at least three (3)
16 years.

17 (c) Except as otherwise provided under subsection (b) of this section,
18 audio media, visual media, and audiovisual media shall be retained for at
19 least thirty (30) days.

20 ~~(e)(d)~~ Criminal investigation documentation may be disposed of by the
21 order of the county judge upon recommendation of the county sheriff after the
22 period of time dictated by subsection (b) of this section.

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24 SECTION 2. Arkansas Code § 14-14-111, concerning county government
25 electronic records, is amended to add an additional subsection to read as
26 follows:

27 (d)(1) It is the intent of the General Assembly to encourage the use
28 of audio media, visual media, and audiovisual media by local law enforcement
29 agencies and detention centers.

30 (2) A contract between an electronic record provider and a
31 county concerning audio media, visual media, or audiovisual media for the
32 county law enforcement agencies shall provide that audio media, visual media,
33 or audiovisual media be maintained as provided under § 13-4-403.

34 (3) The county or electronic record provider may charge
35 reasonable fees for the costs associated with retrieving, reviewing,
36 redacting, and copying audio media, visual media, or audiovisual media,

- 1 including without limitation:
- 2 (A) Medium of reproduction;
- 3 (B) Storage;
- 4 (C) Supplies;
- 5 (D) Equipment;
- 6 (E) Maintenance; and
- 7 (F) Personnel time.

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