

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

As Engrossed: S3/9/21 S3/15/21

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, *Watson*
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, DISPATCH CENTERS, PUBLIC SAFETY
13 ANSWERING POINTS, JAILS, AND DETENTION CENTERS; AND
14 FOR OTHER PURPOSES.
15
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Subtitle

18 CONCERNING THE USE OF AUDIO MEDIA, VISUAL
19 MEDIA, AND AUDIOVISUAL MEDIA BY LAW
20 ENFORCEMENT AGENCIES, DISPATCH CENTERS,
21 PUBLIC SAFETY ANSWERING POINTS, JAILS,
22 AND DETENTION CENTERS.
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25 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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27 SECTION 1. Arkansas Code § 13-4-403 is amended to read as follows:
28 13-4-403. Criminal investigation documentation – Definition.

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

- 31 (1) Incident or offense reports;
- 32 (2) Arrest warrant records;
- 33 (3) Search warrant records; and
- 34 (4) Investigative case files, including:
 - 35 (A) Photographs;
 - 36 (B) Lab reports; and



1 (C) ~~Audiovisual~~ Audio media, visual media, and audiovisual
2 media.

3 (b) Criminal investigation documentation shall be retained for the
4 following periods of time:

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

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

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

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

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

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

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

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

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

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

1 (3)(A) In accordance with § 25-19-112, the county or electronic
2 record provider may charge the requestor for the costs associated with
3 retrieving, reviewing, redacting, and copying audio media, visual media, or
4 audiovisual media, including:

5 (i) Medium of reproduction;

6 (ii) Supplies;

7 (iii) Equipment;

8 (iv) Maintenance; and

9 (v) Personnel time.

10 (B) An electronic record provider that charges for costs
11 under subdivision (d)(3)(A) of this section shall provide a copy of the
12 invoice to the county.

13
14 SECTION 3. Arkansas Code Title 25, Chapter 19, is amended to add an
15 additional section to read as follows:

16 25-19-112. Audio media, visual media, and audiovisual media – Findings
17 – Intent – Law enforcement.

18 (a) The General Assembly finds that:

19 (1) The allocation of time of trained law enforcement personnel,
20 dispatchers, and detention personnel toward fulfilling requests for copies of
21 audio media, visual media, and audiovisual media is substantial; and

22 (2) The uniform assessment of costs to defray and recover the
23 allocation of time of trained law enforcement personnel, dispatchers, and
24 detention personnel toward fulfilling requests for copies of audio media,
25 visual media, and audiovisual media is necessary.

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

29 (c)(1) A state, county, municipal, school, college, or university law
30 enforcement agency, dispatch center, public safety answering point, jail,
31 detention center, or electronic record provider may charge for the costs
32 associated with retrieving, reviewing, redacting, and copying audio media,
33 visual media, and audiovisual media, including:

34 (A) Medium of reproduction;

35 (B) Supplies;

36 (C) Equipment;

1 (D) Maintenance; and

2 (E) Personnel time.

3 (2) A request for audio media, visual media, and audiovisual
4 media that:

5 (A) Requires three (3) hours or less to fulfill the
6 request shall be provided at no charge, unless the requestor or the
7 requestor's entity has made a request under this section in the immediately
8 preceding thirty-day period;

9 (B) Requires more than three (3) hours to fulfill the
10 request shall be charged at a rate that does not exceed fifteen dollars
11 (\$15.00) per hour; and

12 (C) Is estimated to require more than three (3) hours to
13 fulfill the request may be required to be prepaid.

14 (3) A request for audio media, visual media, and audiovisual
15 media shall be sufficiently specific to enable the custodian to locate the
16 requested audio media, visual media, and audiovisual media with reasonable
17 effort.

18 (4) An electronic record provider that charges for costs under
19 this section shall provide a copy of the invoice to the entity required to
20 maintain the audio media, visual media, or audiovisual media.

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/s/Rapert