



*Arkansas
Sentencing
Commission*

**Impact Assessment for HB1236
Sponsored by Representatives Gazaway and Tosh**

Subtitle TO PROTECT THE PRIVACY OF SURVIVING FAMILY MEMBERS OF A LAW ENFORCEMENT OFFICER WHO DIES IN THE LINE OF DUTY; AND TO EXEMPT CERTAIN LAW ENFORCEMENT RECORDS FROM DISCLOSURE; AND TO DECLARE AN EMERGENCY.

Impact Summary¹ Minimal, affecting fewer than ten offenders per year.

Change from current law² Amends Arkansas Code Title 12, Chapter 6, to create a new subchapter, Law Enforcement Agencies in General. Creates A.C.A. § 12-6-601, Confidentiality of certain law enforcement records – Definitions. Under the proposed bill, the custodian of a record that depicts or records the death of a law enforcement officer acting in the line of duty shall not permit an unauthorized person to copy, disseminate, reproduce, transmit or record the record depicting or recording the death of a law enforcement officer. Under the proposed bill, a knowing violation of this section by the custodian of the record constitutes a Class D felony.

The proposed bill also creates procedures for controlling access to records depicting or recording the death of a law enforcement officer and defines various terms.

Impact Information

Because this proposed bill creates a penalty for a new course of conduct, the exact impact cannot be determined. However, according to the Officer Down Memorial Page, since January 1, 2000, 35 Arkansas Law Enforcement Officers have died in the line of duty, an average of two (2) per year. Because of the low number of opportunities to commit this crime, the projected impact is minimal.

¹ This impact assessment was prepared (2/1/2017, 3:05 p.m.) by the staff of the Arkansas Sentencing Commission pursuant to A. C. A. § 16-90-802(d)(6) with data supplied by the Arkansas Department of Correction and the Administrative Office of the Courts. A micro-simulation model may be used for bills which have the potential for significant impact on correctional resources. The following designations will be used: “minimal” = less than 10 offenders per year will be affected; “medium” = would require budgetary increases for ADC inmate costs; and “major” = would require budgetary increases for ADC inmate costs and construction costs for additional beds.

² Standard punishment ranges:

Class Y 10-40 years or life
Class A 6-30 years; up to \$15,000
Class B 5-20 years; up to \$15,000

Class C 3-10 years; up to \$10,000
Class D 0-6 years; up to \$10,000
Unclassified As specified in statute

Misdemeanors
Class A Up to 1 year; up to \$2,500
Class B Up to 90 days; up to \$1,000
Class C Up to 30 days; up to \$500