

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

1 State of Arkansas
2 83rd General Assembly
3 Regular Session, 2001
4

As Engrossed: H1/19/01

A Bill

Act 177 of 2001
HOUSE BILL 1027

5 By: Representative Minton
6 By: *Senator DeLay*
7

For An Act To Be Entitled

10 AN ACT TO AMEND ARKANSAS CODE 9-27-320(a) AND 12-12-
11 1006 TO ALLOW FINGERPRINTING AND PHOTOGRAPHING OF
12 PERSONS ARRESTED FOR FELONIES AND CLASS A MISDEMEANORS
13 ONLY; AND FOR OTHER PURPOSES.
14

Subtitle

15 AN ACT TO AMEND ARKANSAS CODE
16 9-27-320(a) AND 12-12-1006 TO ALLOW
17 FINGERPRINTING AND PHOTOGRAPHING OF
18 PERSONS ARRESTED FOR FELONIES AND CLASS
19 A MISDEMEANORS ONLY.
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23 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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25 SECTION 1. Arkansas Code 9-27-320(a) is amended to read as follows:

26 (a)(1) ~~When~~ Only when a juvenile is arrested for any offense which, if
27 committed by an adult, would constitute a felony, or a Class A misdemeanor
28 wherein violence or the use of a weapon was involved, the juvenile shall be
29 photographed and fingerprinted by the law enforcement agency.

30 (2) In the case of an allegation of delinquency, a juvenile shall
31 not be photographed or fingerprinted under this subchapter by any law
32 enforcement agency unless he has been taken into custody for the commission of
33 an offense which, if committed by an adult, would constitute a felony or a
34 Class A misdemeanor wherein violence or the use of a weapon was involved.
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36 SECTION 2. Arkansas Code 12-12-1006 is amended to read as follows:

1 12-12-1006. Fingerprinting and photographing.

2 (a) Immediately following an arrest, the arresting official shall take,
3 or cause to be taken, the fingerprints and a photograph of the arrested person
4 only if the offense is a felony or a Class A misdemeanor.

5 (b) When the first appearance of a defendant in court is caused by a
6 citation or summons, the arresting official shall take, or cause to be taken,
7 the fingerprints and a photograph of the arrested person only when the offense
8 is a felony or a Class A misdemeanor.

9 (c) When felony or Class A misdemeanor charges are brought against a
10 person already in the custody of a law enforcement or correctional agency, and
11 such charges are separate from the charges for which the person was previously
12 arrested or confined, the agency shall ~~again~~ take the fingerprints and
13 photograph of the person in connection with the new charges.

14 (d) When a defendant pleads guilty or nolo contendere to, or is found
15 guilty of, any felony or Class A misdemeanor charge, the court shall order
16 that the defendant be immediately fingerprinted and photographed by the
17 appropriate law enforcement official.

18 (e)(1) Fingerprints or photographs taken after arrest or court
19 appearance pursuant to subsections (a) and (b) of this section, or taken from
20 persons already in custody pursuant to subsection (c) of this section, shall
21 be forwarded to the identification bureau within forty-eight (48) hours after
22 such arrest or appearance.

23 (2) Fingerprints or photographs taken pursuant to subsection (d)
24 of this section shall be forwarded to the identification bureau by the
25 fingerprinting official within five (5) working days after such plea or
26 finding of guilt.

27 (f) Fingerprint cards or fingerprint images may be retained by the
28 identification bureau, and criminal history information may be retained by the
29 central repository, for any criminal offense.

30 (g) Any individual who is arrested for a criminal offense and who
31 refuses to be fingerprinted or photographed under this subchapter shall be
32 guilty of a Class B misdemeanor.

33 /s/ Minton

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36 APPROVED: 2/9/2001