

1 State of Arkansas
2 92nd General Assembly
3 Regular Session, 2019
4

As Engrossed: S4/3/19

A Bill

HOUSE BILL 1217

5 By: Representative Tosh
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For An Act To Be Entitled

8 AN ACT CONCERNING THE SUBMISSION OF AND FORENSIC
9 TESTING OF FIREARMS BY THE STATE CRIME LABORATORY;
10 AND FOR OTHER PURPOSES.
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Subtitle

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13 CONCERNING THE SUBMISSION OF AND FORENSIC
14 TESTING OF FIREARMS BY THE STATE CRIME
15 LABORATORY.
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19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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21 SECTION 1. Arkansas Code § 12-12-324 is amended to read as follows:

22 12-12-324. Testing by State Crime Laboratory.

23 (a)~~(1)~~ ~~All firearms~~ A firearm used in the commission of a crime that
24 ~~come~~ comes into the custody of ~~any~~ a law enforcement agency in this state
25 ~~shall~~ may be delivered to the State Crime Laboratory within thirty (30)
26 calendar days for ~~ballistics~~ forensic testing for firearms meeting the
27 caliber and type determined by the Executive Director of the State Crime
28 Laboratory.

29 ~~(2) However, if the firearm is being used as evidence in a~~
30 ~~criminal case, then delivery shall take place within thirty (30) calendar~~
31 ~~days after the final adjudication of the criminal proceeding.~~

32 (b)(1)(A) The laboratory may conduct ~~ballistics~~ forensic tests on all
33 firearms received and input the resulting data into the National Integrated
34 Ballistics Information Network of the United States Bureau of Alcohol,
35 Tobacco, Firearms, and Explosives.

36 (B) The ~~ballistics~~ forensic tests may include, ~~but not be~~



1 ~~limited to, without limitation~~ firing of the ~~weapon~~ firearm and electronic
2 imaging of the bullets and casings.

3 (2) The laboratory shall coordinate with all participating
4 agencies when investigations require the use of the National Integrated
5 Bullet Identification Network's computer database.

6 (3) The laboratory shall provide written analysis reports and
7 experts for testimony when feasible.

8 (4) After completion of the forensic testing, the ~~firearms~~
9 firearm shall be returned to the law enforcement ~~agencies~~ agency that
10 submitted the firearm for forensic testing.

11 (5) When the law enforcement agency regains possession of the
12 firearm and after final adjudication, the law enforcement agency shall
13 immediately notify the owner, unless the owner is prohibited by law from
14 possessing the firearm, that the owner may regain possession of the firearm
15 at the offices of the law enforcement agency.

16 (c) A law enforcement agency in this state may request the assistance
17 of the Department of Arkansas State Police in tracing a firearm.

18 (d) A firearm seized by the Arkansas State Game and Fish Commission
19 for violation of a commission regulation is exempt from this section.

20 (e) The State Crime Laboratory Board may adopt rules for the
21 implementation of this section, including, ~~but not limited to, without~~
22 limitation rules regarding forensic testing of a firearm and ~~submission~~
23 procedures for submission of a firearm.

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26 /s/Tosh

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29 **APPROVED: 4/15/19**