

**ARKANSAS SENATE**  
85th General Assembly - Regular Session, 2005  
**Amendment Form**

\*\*\*\*\*

**Subtitle of Senate Bill No. 603**

"AN ACT TO IMPLEMENT THE RECOMMENDATIONS OF THE ARKANSAS TASK  
FORCE ON RACIAL PROFILING."

\*\*\*\*\*

**Amendment No. 1 to Senate Bill No. 603.**

Amend Senate Bill No. 603 as originally introduced:

Delete everything following the enacting clause and substitute the following:

"SECTION 1. Arkansas Code § 6-11-105(a), pertaining to the powers and duties of the State Board of Education, is amended to read as follows:

(a) The State Board of Education shall:

- (1) Have general supervision of the public schools of the state;
- (2) Prepare and distribute plans and specifications for the construction and equipment of school buildings and approve plans and expenditures of public school funds for all new school buildings;
- (3) Recommend courses of study for the public schools and teacher training institutions;
- (4) Prescribe rules and regulations for the sanitary inspection of all buildings and for the examination of pupils to detect contagious and infectious diseases and physical defects;
- (5) Issue certificates based upon credentials presented by applicants for certificates to teach in the public schools of the state;
- (6) Qualify and standardize public schools and prescribe requirements for accrediting and grading public schools;
- (7) Supervise the operation of school district budgets;
- (8) Supervise the purchase and distribution of textbooks;
- (9) Take such other action as it may deem necessary to promote the physical welfare of school children and promote the organization and increase the efficiency of the public schools of the state;
- (10) Perform all other functions which may now or hereafter be delegated to the board by law. However, nothing in this act shall prohibit the board and the Department of Education from issuing teachers' certificates upon the results of teachers' examinations as now provided by law; ~~and~~
- (11)(A) Eliminate unnecessary reports and paperwork by yearly identifying and compiling a list of all reports that are required from local school districts by the department or the board for the school year; and  
(B) Adopt policies to ensure, except as allowed under subsection (b), that local school districts are not required by the board or the department to:



(i) Provide information that is already available on a department student information management system or housed within the department;

(ii) Provide the same written information more than once during a school year unless the information has changed during the school year; or

(iii) Complete forms for children with disabilities that are not necessary to ensure compliance with federal statutes and regulations, including, but not limited to, the Individuals with Disabilities Education Act, state mandates, and corresponding appropriations governing the provision of special education services to students with disabilities; and

(12) Take such other action as it deems necessary to promote public education and awareness about racial profiling.

SECTION 2. Arkansas Code § 12-8-104, pertaining to the duties of the Director of the Department of Arkansas State Police, is amended to add an additional subsection to read as follows:

(j) The Director of the Department of Arkansas State Police may implement a public service campaign concerning racial profiling and the director may utilize brochures, flyers, or public service announcements.

SECTION 3. Arkansas Code § 12-12-1402 is amended to read as follows:  
12-12-1402. Prohibition on racial profiling.

(a) No member of the Department of Arkansas State Police, the Arkansas Highway Police Division of the Arkansas State Highway and Transportation Department, a sheriff's department, or a municipal police department, constable, or any other law enforcement officer of this state shall engage in racial profiling.

~~(b) The detention of an individual based on any noncriminal factor or combination of noncriminal factors is inconsistent with this policy~~ The statements of policy and definitions contained in this subchapter shall not be construed or interpreted to be contrary to the Arkansas Rules of Criminal Procedure or the constitutions of the United States or the State of Arkansas.

SECTION 4. Arkansas Code § 12-12-1403 is amended to read as follows:  
12-12-1403. Policies.

(a)(1) Not later than January 1, 2004, the Department of Arkansas State Police, the Arkansas Highway Police Division of the Arkansas State Highway and Transportation Department, all sheriffs' departments, municipal police departments, constables, and all other law enforcement agencies of this state shall adopt a written policy that:

~~(1)(A)~~ Prohibits racial profiling as defined in § 12-12-1401;

~~(2)(B)~~ Requires that law enforcement officers have reasonable suspicion prior to a stop, arrest, or detention;

~~(3)(C)~~ Defines reasonable suspicion, to ensure that individuals are stopped for valid reasons and that race, ethnicity, national origin, or religion is not the basis for stops for violations for which nongroup members would not be stopped;

~~(4)(D)~~ Requires law enforcement officers to identify themselves by full name and jurisdiction and state the reason for the stop and when possible present written identification;

~~(5)~~(E) Provides for a systematic review process by supervising personnel within a department or law enforcement agency for investigating allegations of racial profiling to determine whether any officers of the law enforcement agency have a pattern of stopping or searching persons, and if the review reveals a pattern, requires an investigation to determine whether a trend is present indicating that an officer may be using race, ethnicity, national origin, or religion as a basis for investigating other violations of criminal law;

~~(6)~~(F) When a supervisor or other reviewer has detected a pattern of racial profiling, provides timely assistance, remediation, or discipline for individual law enforcement officers who have been found to be profiling by race, ethnicity, national origin, or religion;

~~(7)~~(G) Ensures that supervisors will not retaliate against officers who report racial profiling by others; and

~~(8)~~(H) Provides standards for the use of in-car audio and visual equipment, including the duration for which the recordings are preserved.

(2) Each law enforcement agency shall include a copy of the agency's policy in the annual report that the agency submits to the Division of Legislative Audit.

(b)(1) The Office of the Attorney General may review and recommend changes to the racial profiling policy of any law enforcement agency.

(2) Upon request, the racial profiling policy of any law enforcement agency shall be made available to the Attorney General for the purposes set forth in subdivision (b)(1) of this section.

(3) The Office of the Attorney General may establish a toll-free hotline and an email address to receive complaints regarding racial profiling.

SECTION 5. Arkansas Code § 12-12-1404 is amended to read as follows:  
12-12-1404. Training.

(a) Each law enforcement agency shall provide annual training to all officers that:

(1) Emphasizes the prohibition against racial profiling;

(2) Ensures that operating procedures adequately implement the prohibition against racial profiling and that the agency's law enforcement personnel have copies of, understand, and follow the operating procedures; and

(3) Includes foreign language instruction, if possible, to ensure adequate communication with residents of a community.

(b) The course or courses of instruction and the guidelines shall stress understanding and respect for racial, ethnic, national, religious, and cultural differences and development of effective and appropriate methods of carrying out law enforcement duties.

(c)(1)(A) The Law Enforcement Standard and Training Commission shall adopt an initial training module concerning diversity and racial sensitivity for recruits and officers.

(B) The commission shall also adopt a training module for biennial recertification for all recruits and officers who have completed the initial training module.

(2) Officers currently employed by any law enforcement agency shall be required to complete the initial training described in subdivision

(c)(1)(A) of this section before June 30, 2006.

(d)(1) By January 1, 2006, the Law Enforcement Standard and Training Commission shall promulgate rules that will set significant standards for all training required in this section.

(2) The commission is authorized to make additions, amendments, changes, or alterations to the rules in accordance with the Arkansas Administrative Procedure Act, § 25-15-201 et seq.

SECTION 6. Task Force on Racial Profiling established.

(a)(1) The task force created by Acts 2003, No. 1207, expired on December 31, 2004. Since additional work by a task force is needed, there is created a task force, consisting of thirteen (13) members, to be known as the "Task Force on Racial Profiling".

(2) The Governor shall appoint the members as follows:

(A) Four (4) members shall be active or retired law enforcement officers or prosecuting attorneys;

(B) Three (3) members shall be associated with civil rights or community organizations;

(C) Two (2) members shall be lawyers practicing substantially in the field of criminal defense; and

(D) Four (4) members shall be citizen representatives.

(b)(1) Within thirty (30) days after all members are appointed, the members shall meet to organize at a time and place determined by the Governor.

(2) The task force shall select a member to serve as chair each year.

(3) The task force shall meet as necessary to carry out its duties under this act and at the call of the chair.

(c) There shall be no compensation for the members of the task force, though each member may receive expense reimbursement in accordance with Arkansas Code § 25-16-902 to the extent funds are available.

(d) General staff support, facilities, and operating assistance for the task force may be provided by the Governor's office.

(e) The task force shall:

(1) Monitor implementation and compliance with § 12-12-1401 et seq. and reforms enacted by the Eighty-fifth General Assembly;

(2) Serve in an advisory capacity to the Director of the Department of Arkansas State Police and the State Board of Education regarding the public education and awareness campaigns on racial profiling;

(3) Study the effectiveness and feasibility of a racial profiling data collection requirement in the State of Arkansas;

(4) Work with law enforcement agencies and civil rights advocates to determine an effective and appropriate penalty for violating the prohibition on racial profiling;

(5) Compile an annual report of all complaints and investigations regarding racial profiling and provide the report to the Governor, Legislative Council, and Arkansas Legislative Black Caucus of the General Assembly;

(6) Report its findings and recommendations to the Governor and Legislative Council before December 31, 2006; and

(7) Facilitate an annual symposium on racial profiling for the Governor's Office, Arkansas Legislative Black Caucus of the General Assembly,

Department of Arkansas State Police and other interested persons to:

(A) Serve as a forum for dialogue to promote awareness and understanding of racial profiling between the public, law enforcement agencies, and other government agencies;

(B) Disseminate information and materials about the best practices toward combating misinformation and prejudice;

(C) Provide assistance to community leaders and law enforcement agencies in the fight against racial profiling; and

(D) Advocate and promote a state policy agenda that establishes the best practices for addressing racial profiling.

(f) The task force shall expire on December 31, 2006."

The Amendment was read the first time, rules suspended and read the second time and \_\_\_\_\_

By: Senator Wilkins

GRH/GRH - 04-05-2005 11:48

GRH338

\_\_\_\_\_  
Secretary