

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

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**Subtitle of Senate Bill No. 603**

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

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**Amendment No. 2 to Senate Bill No. 603.**

Amend Senate Bill No. 603 as engrossed, S4/5/05 (version: 04-05-2005 14:08):

Page 3, delete lines 16 through 36 and substitute:

"(a) 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) Prohibits racial profiling as defined in § 12-12-1401;
  - (2) Requires that law enforcement officers have reasonable suspicion prior to a stop, arrest, or detention;
  - (3) 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) 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) 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) 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) Ensures that supervisors will not retaliate against officers who report racial profiling by others; and
  - (8) Provides standards for the use of in-car audio and visual equipment, including the duration for which the recordings are preserved.
- (b) 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."

AND

Page 4, delete lines 1 through 23

AND

Page 5, delete line 18 and substitute:

"Administrative Procedure Act, § 25-15-201 et seq.

(3) The commission may review and recommend changes to the racial profiling policy of any law enforcement agency.

(4) Upon request, the racial profiling policy of any law enforcement agency shall be made available to the commission for the purpose described in subdivision (d)(3) of this section.

(5) The commission may establish a toll-free hotline and an e-mail address to receive complaints concerning racial profiling."

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

By: Senator Wilkins

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Secretary