

# Hall of the House of Representatives

86th General Assembly - Regular Session, 2007

## Amendment Form

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### Subtitle of House Bill No. 1285

"TO DESIGNATE THE ARKANSAS PUBLIC DEFENDER COMMISSION A CRIMINAL JUSTICE AGENCY FOR PURPOSES OF ARKANSAS CRIME INFORMATION CENTER ACCESS."

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### Amendment No. 1 to House Bill No. 1285.

Amend House Bill No. 1285 as originally introduced:

Page 2, delete line 4, and substitute the following:

"by the commission to represent indigent defendants."

SECTION 2. Arkansas Code 12-12-1502(a), concerning the intent of the Arkansas State Criminal Records Act, is amended to read as follows:

(a) It is the intent of this subchapter to:

(1) Provide one (1) source for obtaining the most accurate and complete criminal history information;

(2) Allow dissemination of criminal history information to employers, professional licensing boards, and any entity mandated by Arkansas law to perform background checks through the Department of Arkansas State Police pertaining to all felony arrest information and all conviction information; ~~and~~

(3) With the written consent of the student or prospective student, allow electronic dissemination of criminal history information to an institution of higher education for a student enrolled in, and a prospective student seeking enrollment in, a medical, nursing, pharmacy, or other health-related course of study at an institution of higher education located in Arkansas; and

(4) Allow dissemination of criminal history information to the Arkansas Public Defender Commission for use in defense of criminal defendants. Expunged and sealed criminal history information shall be released to the commission only for the purposes of use for impeachment of witnesses.

SECTION 3. Arkansas Code § 12-12-1503(11), concerning the definition of "requestor", is amended to read as follows:

(11) "Requestor" means the employer, professional licensing board, institution of higher education, Arkansas Public Defender Commission, or any entity mandated by Arkansas law to perform criminal background checks



through the department that has submitted an inquiry into an individual's criminal history information under this subchapter; and

SECTION 4. Arkansas Code § 12-12-1506 is amended to read as follows:  
12-12-1506. Unrestricted information - Records - Immunity from civil liability.

(a)(1) All conviction information and felony arrest records may be disseminated as provided in this subchapter.

(2) Any criminal history information of felony arrest records and all conviction information which pertains to a person currently being processed by the criminal justice system, including the entire period of correctional supervision extending through final discharge from parole, may be disseminated without restriction.

(3)(A) The Identification Bureau of the Department of Arkansas State Police, the Arkansas Crime Information Center, or a third party shall be responsible for the maintenance of information pertaining to dissemination of criminal history information.

(B) The information pertaining to dissemination required to be maintained shall be retained for a period of not less than three (3) years for security purposes.

(4)(A)(i) Each requestor that is allowed access to criminal history information under this subchapter shall maintain in its files for at least three (3) years the written consent to obtain the criminal history information given by the applicant, employee, student, or prospective student.

(ii) Access to criminal history information and sealed or expunged records for the Arkansas Public Defender Commission is authorized without the consent of the subject of the request. However, the commission shall maintain records of the reason the dissemination was requested for a period of three (3) years.

(iii) Any requestor that is granted access to criminal history information under this subchapter shall not disseminate the criminal history information.

(B) These files and consent forms shall be subject to inspection by the Department of Arkansas State Police.

(b) This section allows the dissemination of information concerning persons who are required to register as sex offenders.

(c) A criminal justice agency and its employees and officials shall be immune from civil liability except in instances of gross negligence or intentional malice for dissemination of criminal history information under this subchapter."

The Amendment was read \_\_\_\_\_  
By: Representative Lamoureux  
GRH/YTC - 03-23-2007 11:25  
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Chief Clerk