

Stricken language would be deleted from present law. Underlined language would be added to present law.

1 State of Arkansas
2 81st General Assembly
3 Regular Session, 1997

As Engrossed: H2/21/97 S3/18/97 S4/2/97

A Bill

HOUSE BILL 1062

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5 By: Representatives Flanagan, Broadway, Capps, Choate, Cunningham, Curran, Davis, Dietz, Faris, Ferguson, Ferrell, Goodwin, Hogue, Johnson, Jones, Kidd,
6 Lynn, Madison, McGehee, McGinnis, Miller, Molinaro, Pollan, Rorie, Schexnayder, Simmons, Judy Smith, Terry Smith, Stalnaker, Teague, Thicksten, *Trammell,*
7 *Wagner, Willems, Wilkinson, Wren, Wooldridge, Bennett, Horn, Ingram, Laverty, Roberts, and Wallis*

For An Act To Be Entitled

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11 "AN ACT TO AMEND ARKANSAS CODE ANNOTATED § 12-12-1006 TO
12 REQUIRE A PHOTOGRAPH TO BE TAKEN IN CONNECTION WITH AN
13 ARREST AND IN CONNECTION WITH A PLEA OR FINDING OF GUILT;
14 AND FOR OTHER PURPOSES."

Subtitle

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17 "TO REQUIRE A PHOTOGRAPH TO BE TAKEN IN
18 CONNECTION WITH AN ARREST AND IN
19 CONNECTION WITH A PLEA OR FINDING OF
20 GUILT"

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22 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

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24 SECTION 1. Arkansas Code Annotated § 12-12-1006 is amended to read as
25 follows:

26 "12-12-1006. Fingerprinting and photographing.

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

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

34 (c) When felony or Class A misdemeanor charges are brought against a
35 person already in the custody of a law enforcement or correctional agency, and
36 such charges are separate from the charges for which the person was previously

1 arrested or confined, the agency shall again take the fingerprints and
2 photograph of the person in connection with the new charges.

3 (d) When a defendant pleads guilty or nolo contendere to, or is found
4 guilty of, any felony or Class A misdemeanor charge, the court shall ~~inquire~~
5 ~~whether such defendant has previously been fingerprinted in connection with~~
6 ~~the criminal proceedings leading to the conviction and, if not, shall order~~
7 ~~that the defendant be immediately fingerprinted and photographed by the~~
8 ~~appropriate law enforcement official.~~

9 (e) Fingerprints or photographs taken after arrest or court appearance
10 pursuant to subsections (a) and (b) of this section, or taken from persons
11 already in custody pursuant to subsection (c) of this section, shall be
12 forwarded to the Identification Bureau within forty-eight (48) hours after
13 such arrest or appearance. Fingerprints or photographs taken pursuant to
14 subsection (d) of this section shall be forwarded to the Identification Bureau
15 by the fingerprinting official within five (5) working days after such plea or
16 finding of guilt."

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18 SECTION 2. All provisions of this act of a general and permanent nature
19 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code
20 Revision Commission shall incorporate the same in the Code.

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22 SECTION 3. If any provision of this act or the application thereof to
23 any person or circumstance is held invalid, such invalidity shall not affect
24 other provisions or applications of the act which can be given effect without
25 the invalid provision or application, and to this end the provisions of this
26 act are declared to be severable.

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28 SECTION 4. All laws and parts of laws in conflict with this act are
29 hereby repealed.

30 /s/Rep. Flanagan, et al
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