

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: H2/17/97

# A Bill

HOUSE BILL 1263

4  
5 By: Representative Pollan

## For An Act To Be Entitled

9 "AN ACT TO AMEND ARKANSAS CODE § 9-27-320 TO ALLOW THE  
10 NAME, AGE, AND DESCRIPTION OF CERTAIN JUVENILES TO BE  
11 RELEASED WHEN THE JUVENILE DEPARTS FROM A YOUTH SERVICE  
12 FACILITY, THE STATE HOSPITAL, OR JUVENILE DETENTION  
13 FACILITY; AND FOR OTHER PURPOSES."

## Subtitle

15 "TO ALLOW THE NAME, AGE, AND DESCRIPTION  
16 OF CERTAIN JUVENILES TO BE RELEASED WHEN  
17 THE JUVENILE DEPARTS FROM A YOUTH  
18 SERVICE FACILITY, THE STATE HOSPITAL, OR  
19 JUVENILE DETENTION FACILITY"

21  
22 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

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24 SECTION 1. Arkansas Code Annotated § 9-27-320 is amended to read as  
25 follows:

26 "9-27-320. Fingerprinting or photographing.

27 (a)(1) When a juvenile is arrested for any offense which, if committed  
28 by an adult, would constitute a felony, or a Class A misdemeanor wherein  
29 violence or the use of a weapon was involved, the juvenile shall be  
30 photographed and fingerprinted by the law enforcement agency.

31 (2) In the case of an allegation of delinquency, a juvenile shall  
32 not be photographed or fingerprinted under this subchapter by any law  
33 enforcement agency unless he has been taken into custody for the commission of  
34 an offense which, if committed by an adult, would constitute a felony or a  
35 Class A misdemeanor wherein violence or the use of a weapon was involved.

36 (b)(1) Copies of a juvenile's fingerprints and photograph shall be made

1 available only to other law enforcement agencies, the Arkansas Crime  
2 Information Center, prosecuting attorneys, and the juvenile court.

3           (2) Photographs and fingerprints of juveniles adjudicated  
4 delinquent for offenses for which they could have been tried as adults shall  
5 be made available to prosecuting attorneys and circuit courts for use at  
6 sentencing in subsequent adult criminal proceedings against those same  
7 individuals.

8           (3)(A) When a juvenile departs without authorization from a youth  
9 services center or other facility operated by the Division of Youth Services  
10 for the care of delinquent juveniles, if at the time of departure the juvenile  
11 is committed or detained for an offense for which the juvenile could have been  
12 tried as an adult, the director of the Youth Services shall release to the  
13 general public the name, age, and description of the juvenile and any other  
14 pertinent information the director deems necessary to aid in the apprehension  
15 of the juvenile and to safeguard the public welfare.

16           (B) When a juvenile departs without authorization from the State  
17 Hospital, if at the time of departure the juvenile is committed as a result of  
18 an acquittal on the grounds of mental disease or defect for an offense for  
19 which the juvenile could have been tried as an adult, the director of the  
20 Division of Mental Health Services shall release to the general public the  
21 name, age, and description of the juvenile and any other pertinent information  
22 the director deems necessary to aid in the apprehension of the juvenile and to  
23 safeguard the public welfare.

24           (C) When a juvenile departs without authorization from a local  
25 juvenile detention facility, if at the time of departure the juvenile is  
26 committed or detained for an offense for which the juvenile could have been  
27 tried as an adult, the director of the juvenile detention facility shall  
28 release to the general public the name, age, and description of the juvenile  
29 and any other pertinent information the director deems necessary to aid in the  
30 apprehension of the juvenile and to safeguard the public welfare.

31           (c) Each law enforcement agency in the state shall keep a separate file  
32 of photographs and fingerprints, it being the intention that such photographs  
33 and fingerprints of juveniles not be kept in the same file with those of  
34 adults.

35           (d) However, in any case where the juvenile is found not to have  
36 committed the alleged delinquent act, the juvenile court may order any law

1 enforcement agency to return all pictures and fingerprints to the juvenile  
2 court and shall order the law enforcement agency that took the juvenile into  
3 custody to mark the arrest record with the notation found not to have  
4 committed the alleged offense."

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

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10 SECTION 3. If any provision of this act or the application thereof to  
11 any person or circumstance is held invalid, such invalidity shall not affect  
12 other provisions or applications of the act which can be given effect without  
13 the invalid provision or application, and to this end the provisions of this  
14 act are declared to be severable.

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

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*/s/Rep. Pollan*

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