

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: S3/4/97

A Bill

HOUSE BILL 1579

4
5 By: Representative Luker

For An Act To Be Entitled

9 "AN ACT TO AMEND VARIOUS SECTIONS OF ARKANSAS CODE TITLE
10 12, CHAPTER 12 CONCERNING CRIMINAL HISTORY INFORMATION
11 LAW; AND FOR OTHER PURPOSES."

Subtitle

14 "AN ACT CONCERNING CRIMINAL HISTORY
15 INFORMATION LAW."

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

20 SECTION 1. Arkansas Code 12-12-101, concerning fingerprinting, is
21 repealed.

22 ~~— § 12-12-101. Fingerprinting of individuals arrested for criminal
23 offenses — Submission to state bureau.~~

24 ~~— (a) It shall be the duty of all law enforcement agencies in Arkansas to
25 fingerprint all individuals arrested for:~~

26 ~~— (1) All felony offenses;~~

27 ~~— (2) All Class A misdemeanor offenses wherein violence or the use of a
28 weapon was involved; and~~

29 ~~— (3) All offenses involving the manufacture, delivery, possession of a
30 controlled substance, or possession with intent to manufacture or deliver a
31 controlled substance.~~

32 ~~— (b) Further, it shall also be the duty of all law enforcement agencies in
33 Arkansas to submit the fingerprints of individuals who are fingerprinted under
34 this section to the state identification bureau within forty-eight (48) hours
35 after making the arrests.~~

36 ~~— (c) Any individual who is arrested for a felony or misdemeanor and who~~

1 ~~refuses to be fingerprinted or photographed under this section shall be guilty~~
2 ~~of a Class C misdemeanor.~~

3

4 SECTION 2. Arkansas Code 12-12-211 is amended to read as follows:

5 "12-12-211. Access to records.

6 (a) The center shall make criminal history records on persons available
7 ~~only to criminal justice agencies in their official capacity, to regulatory~~
8 ~~agencies with specific statutory authority of access, and to any person or his~~
9 ~~attorney who has reason to believe that a criminal history record is being~~
10 ~~kept on him, or wherein the criminal defendant is charged with either a~~
11 ~~misdemeanor or felony. in accordance with §§12-12-1008, 12-12-1009, 12-12-~~
12 ~~1010, and 12-12-1011. Release of other noncriminal history records shall be~~
13 ~~in accordance with policies and regulations established by the supervisory~~
14 ~~board.~~

15 ~~—(b) Upon the application of the person or his attorney, it shall be~~
16 ~~mandatory, upon proper and sufficient identification of the person, for the~~
17 ~~Arkansas Crime Information Center to make available to the person or his~~
18 ~~attorney any records on the person making the application.~~

19 ~~—(c) The supervisory board shall establish regulations and policies to~~
20 ~~carry out the review and challenge procedures in accordance with this~~
21 ~~subchapter.~~

22 ~~—(d) (b)(1) The Office of Child Support Enforcement of the Revenue~~
23 ~~Division of the Department of Finance and Administration of this state shall~~
24 ~~be considered a criminal justice agency solely for the purpose of securing~~
25 ~~information from the Arkansas Crime Information Center of this state regarding~~
26 ~~the address or whereabouts of any deserting parent from whom the Office of~~
27 ~~Child Support Enforcement is charged with collecting child support.~~

28 (2) It shall be unlawful, except for the purpose of performing
29 the duties of the Office of Child Support Enforcement or upon court order, for
30 any person to disclose information obtained by this subsection. Upon
31 conviction, any person violating this section shall be guilty of a Class A
32 misdemeanor.

33 ~~—(e) (c) An elected law enforcement officer of a political subdivision of~~
34 ~~this state shall not be allowed access to information from the Arkansas Crime~~
35 ~~Information Center unless either the elected law enforcement officer or a law~~
36 ~~enforcement officer within his department has successfully completed the~~

1 preparatory program of police training required by the Arkansas Commission on
2 Law Enforcement Standards and Training for certification of law enforcement
3 officers."

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5 SECTION 3. Arkansas Code 12-12-212 is amended to read as follows:

6 "12-12-212. Willful release or disclosure to unauthorized person -
7 Penalty.

8 ~~Every person who shall willfully release or disclose to any unauthorized~~
9 ~~person any information authorized to be maintained and collected under this~~
10 ~~subchapter any information authorized to be maintained and collected under~~
11 ~~this subchapter to another person known to lack authority to receive such~~
12 ~~information~~ and any person who willfully obtains that information for purposes
13 not specified by this subchapter shall be deemed guilty of a Class D felony.
14 ~~Upon conviction that person shall be punished by a fine not exceeding five~~
15 ~~thousand dollars (\$5,000) and by imprisonment in the state penitentiary for~~
16 ~~not exceeding three (3) years."~~

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18 SECTION 4. Arkansas Code 12-12-1005(c), concerning the Identification
19 Bureau, is amended to read as follows:

20 "(c) ~~The Identification Bureau shall be the sole source for the~~
21 ~~transmission of fingerprint cards or images to and from the Federal Bureau of~~
22 ~~Investigation.~~ Arkansas shall be a single source state for the submission of
23 fingerprint cards or fingerprint images to the Federal Bureau of
24 Investigation. All fingerprint cards or fingerprint images, under the
25 provisions of this subchapter, shall be submitted by Arkansas law enforcement
26 agencies to the state Identification Bureau."

27

28 SECTION 5. Arkansas Code 12-12-1006, concerning fingerprints, is
29 amended to add the following new subsections:

30 "(f) Fingerprint cards or fingerprint images may be retained by the
31 Identification Bureau, and criminal history information may be retained by the
32 Central Repository, for any criminal offense.

33 "(g) Any individual who is arrested for a criminal offense and who
34 refuses to be fingerprinted or photographed under this subchapter shall be
35 guilty of a Class B misdemeanor."

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1 SECTION 6. Arkansas Code 12-12-1013(a), concerning the right of review
2 and challenge of criminal history information, is amended to read as follows:

3 "(a)(1) A person, upon positive verification of his or her identity,
4 may review criminal history information pertaining to such person compiled and
5 maintained by the Identification Bureau or the central repository and may
6 challenge the completeness or accuracy of such information.

7 (2) The criminal history information may be reviewed only by the
8 subject, ~~or by the subject and his or her attorney,~~ or the subject's attorney
9 or other designee authorized in writing by the subject. A copy of criminal
10 history information maintained in the Arkansas Crime Information Center on the
11 subject may be made available to the subject, or the subject's attorney or
12 other designee authorized in writing by the subject. Requests for a copy of
13 any criminal history information maintained in the National Crime Information
14 Center shall be addressed to the Federal Bureau of Investigation."

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

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20 SECTION 8. If any provision of this act or the application thereof to
21 any person or circumstance is held invalid, such invalidity shall not affect
22 other provisions or applications of the act which can be given effect without
23 the invalid provision or application, and to this end the provisions of this
24 act are declared to be severable.

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26 SECTION 9. All laws and parts of laws in conflict with this act are
27 hereby repealed.

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29 /s/Luker

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