

Stricken language would be deleted from and underlined language would be added to law as it existed prior to the 82nd General Assembly.

1 State of Arkansas  
2 82nd General Assembly  
3 Regular Session, 1999

As Engrossed: S2/12/99

## A Bill

SENATE BILL 285

4  
5 By: Senator Everett  
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### For An Act To Be Entitled

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9 "AN ACT TO AMEND ARKANSAS CODE § 12-12-312 TO ALLOW A  
10 DEFENDANT OR HIS ATTORNEY ACCESS TO RECORDS OF THE  
11 STATE CRIME LABORATORY; AND FOR OTHER PURPOSES."

### Subtitle

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14 "TO AMEND ARKANSAS CODE § 12-12-312 TO  
15 ALLOW A DEFENDANT OR HIS ATTORNEY ACCESS  
16 TO RECORDS OF THE STATE CRIME  
17 LABORATORY. "  
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20 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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22 SECTION 1. Arkansas Code 12-12-312 is amended to read as follows:

23 "12-12-312. Records confidential and privileged - Exception - Release.

24 (a)(1) The records, files, and information kept, obtained, or retained  
25 by the State Crime Laboratory under the provisions of this subchapter shall be  
26 privileged and confidential. They shall be released only under and by the  
27 direction of a court of competent jurisdiction or the prosecuting attorney  
28 having criminal jurisdiction over the case. Provided, that nothing in this  
29 section shall be construed to diminish the right of a defendant or his  
30 attorney to full access to all records pertaining to the case, and, provided  
31 further, that the State Crime Laboratory shall disclose to a defendant or his  
32 attorney all evidence in the defendant's case.

33 (2) However, a full report of the facts developed by the State  
34 Medical Examiner or his assistants shall be promptly filed with the law  
35 enforcement agencies, coroner, and prosecuting attorney of the jurisdiction in  
36 which the death occurred.

1 (b) The board shall promulgate rules and regulations not contrary to  
2 law regarding the release of reports and information by the staff of the State  
3 Crime Laboratory."

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

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

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

17 /s/ Everett

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