

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

1 State of Arkansas
2 83rd General Assembly
3 Regular Session, 2001

A Bill

HOUSE BILL 2420

4
5 By: Representatives Ledbetter, Bright
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For An Act To Be Entitled

9 AN ACT TO PROVIDE FOR ELECTRONIC MONITORING
10 DEVICES IN THE ROOMS OF RESIDENTS OF CONVALESCENT
11 OR NURSING HOMES OR RELATED INSTITUTIONS;
12 PROVIDING CRIMINAL PENALTIES; AND FOR OTHER
13 PURPOSES.
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Subtitle

15 TO PROVIDE FOR ELECTRONIC MONITORING
16 DEVICES IN THE ROOMS OF RESIDENTS OF
17 CONVALESCENT OR NURSING HOMES OR
18 RELATED INSTITUTIONS; AND PROVIDING
19 CRIMINAL PENALTIES.
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23 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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25 SECTION 1. (a) An institution shall permit a resident, the resident's
26 next of kin at the request of the resident, or the resident's guardian to
27 monitor the room of the resident through the use of electronic monitoring
28 devices.

29 (b)(1) The institution shall require a resident who conducts
30 electronic monitoring or the resident's guardian to post a notice on the door
31 of the resident's room.

32 (2) The notice must state that the room is being monitored by an
33 electronic monitoring device.

34 (c) Electronic monitoring conducted under this section:

35 (1) Is not compulsory and may be conducted only at the request
36 of the resident or the resident's guardian;

1 (2) Must be paid for by the resident or the resident's guardian;
2 and

3 (3) Must protect the privacy rights of other residents and
4 visitors to the institution to the extent reasonably possible.

5 (d) An institution may not refuse to admit an individual to residency
6 in the institution and may not remove a resident from the institution because
7 of a request to conduct electronic monitoring.

8 (e) An institution shall make reasonable physical accommodation for
9 electronic monitoring, including:

10 (1) Providing a reasonably secure place to mount the video
11 surveillance camera or other monitoring device; and

12 (2) Providing access to power sources for the video surveillance
13 camera or other electronic monitoring device.

14 (f) An institution shall inform a resident or the resident's guardian
15 of the resident's right to conduct electronic monitoring.

16 (g) If electronic monitoring is conducted, the institution may require
17 the resident, the resident's next of kin, or the resident's guardian to
18 conduct the electronic monitoring in plain view.

19 (h) An institution may require that a request to conduct electronic
20 monitoring be made in writing.

21 (i) Subject to applicable rules of evidence and procedure, a tape or
22 recording created through the use of electronic monitoring conducted under
23 this section may be admitted into evidence in a civil or criminal court
24 action or administrative proceeding.

25 (j) An administrator of an institution who knowingly refuses to permit
26 a resident, the resident's next of kin at the request of the resident, or the
27 resident's guardian to monitor the room of the resident in accordance with
28 this section through the use of electronic monitoring devices is guilty of a
29 Class A misdemeanor.

30 (k) An administrator of an institution who knowingly refuses to admit
31 an individual to residency in the institution, or who knowingly allows the
32 removal of a resident from the institution, because of a request to conduct
33 electronic monitoring under this section is guilty of a Class A misdemeanor.

34 (l)(1) A person who intentionally hampers, obstructs, tampers with, or
35 destroys an electronic monitoring device installed in a resident's room in
36 accordance with this section or a tape or recording made by the device is

1 guilty of a Class B misdemeanor.

2 (2) It is an affirmative defense to prosecution under this
3 subsection that the person took the action with the consent of the resident
4 on whose behalf the electronic monitoring device was installed, the
5 resident's guardian, or the resident's next of kin if the next of kin was
6 conducting the monitoring at the request of the resident.

7 (m) The Department of Human Services shall promulgate regulations to
8 enforce the provisions of this act.

9 (n) For purposes of this act, "electronic monitoring device" includes:

10 (1) Video surveillance cameras installed in the room of a
11 resident; and

12 (2) Audio devices installed in the room of a resident designed
13 to acquire communications or other sounds occurring in the room.

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