

State of Arkansas
85th General Assembly
Regular Session, 2005

A Bill

HOUSE BILL 1465

By: Representative Verkamp

For An Act To Be Entitled

AN ACT TO CLARIFY THAT A CRIMINAL RECORD MAY BE
EXPUNGED WHEN SENTENCING WAS NOT UNDER A STATUTE
THAT PROVIDED FOR EXPUNGMENT OF RECORDS; AND FOR
OTHER PURPOSES.

Subtitle

AN ACT TO CLARIFY THAT A CRIMINAL RECORD
MAY BE EXPUNGED WHEN SENTENCING WAS NOT
UNDER A STATUTE THAT PROVIDED FOR
EXPUNGEMENT OF RECORDS.

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

SECTION 1. Arkansas Code § 16-90-905 is amended to read as follows:
16-90-905. Uniform petition and order to seal records.

(a)(1) The Arkansas Crime Information Center shall adopt and provide a
uniform petition and order to seal records that shall be used by all
petitioners and by all circuit and district courts in this state.

(2) No order to seal or expunge records covered by this
subchapter shall be effective unless the uniform order is entered.

(3)(A) The petition shall include a statement verified under
oath indicating whether the petitioner has felony charges pending in any
state or federal court and the status of those charges.

(B) The petition shall also include a statement that the
information contained in the petition is true and correct to the best of the
petitioner's knowledge, and the order shall contain, at a minimum, the
following data elements:



1 (i) The person's full name, race, sex, and date of
2 birth;

3 (ii) The person's full name at the time of arrest
4 and adjudication of guilt, if different from the person's current name;

5 (iii) The crimes for which the person was
6 adjudicated guilty and the date of the disposition;

7 (iv) The identity of the court;

8 (v) The provision, if any, under which the
9 individual was sentenced that provides for sealing or expungement of the
10 record; and

11 (vi) The specific records to be sealed.

12 (b)(1) If no record exists in the state central repository of the
13 arrest for the charges in the petition, a record shall be established before
14 the uniform order to seal becomes effective.

15 (2) When no record exists in the state central repository, it
16 shall be the duty of the petitioner and the original arresting agency to
17 submit fingerprint cards on the petitioner, according to § 12-12-1006 and
18 procedures established by the Arkansas Crime Information Center.