

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 86th General Assembly
3 Regular Session, 2007
4

A Bill

HOUSE BILL 1103

5 By: Representative E. Brown
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For An Act To Be Entitled

9 AN ACT TO CLARIFY THAT CRIMINAL HISTORY
10 INFORMATION SHALL NOT BE DISSEMINATED FOR
11 NONCRIMINAL JUSTICE PURPOSES UNDER CERTAIN
12 CIRCUMSTANCES; AND FOR OTHER PURPOSES.
13

Subtitle

14 TO CLARIFY THAT CRIMINAL HISTORY
15 INFORMATION SHALL NOT BE DISSEMINATED
16 FOR NONCRIMINAL JUSTICE PURPOSES UNDER
17 CERTAIN CIRCUMSTANCES.
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21 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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23 SECTION 1. Arkansas Code § 12-12-1009 is amended to read as follows:
24 12-12-1009. Dissemination of conviction information for noncriminal
25 justice purposes.

26 (a) ~~Conviction~~ Except as provided in subsection (f) of this section,
27 conviction information shall be made available for the following noncriminal
28 justice purposes:

29 (1) To any local, state, or federal governmental agency that
30 requests the conviction information for the enforcement of a local, state, or
31 federal law;

32 (2) To any entity authorized either by the subject of the record
33 in writing or by state or federal law to receive the conviction information;
34 and

35 (3) To any federal agency or central repository in another state
36 requesting the conviction information for a purpose authorized by law.



1 (b) Conviction information disseminated for noncriminal justice
2 purposes under this subchapter shall be used only for the purposes for which
3 it was made available and may not be redisseminated.

4 (c) Nonconviction information shall not be available under the
5 provisions of this subchapter for noncriminal justice purposes.

6 (d) No agency or individual shall confirm the existence or
7 nonexistence of criminal history information to any person or organization
8 that would not be eligible to receive the information pursuant to this
9 subchapter.

10 (e) A local agency may release its own agency records according to its
11 own policy.

12 (f) Criminal history information pertaining to a notation of arrest,
13 detention, indictment, information, or other formal criminal charge shall not
14 be available under this subchapter for a noncriminal justice purpose if a
15 person is charged or arrested for any criminal offense and the charge is
16 subsequently nolle prossed or dismissed or the person is acquitted at trial.

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