

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

*As Engrossed: H3/27/07*

# A Bill

HOUSE BILL 1285

5 By: Representative Lamoureux  
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## For An Act To Be Entitled

9 AN ACT TO DESIGNATE THE ARKANSAS PUBLIC DEFENDER  
10 COMMISSION A CRIMINAL JUSTICE AGENCY FOR PURPOSES  
11 OF ARKANSAS CRIME INFORMATION CENTER ACCESS; AND  
12 FOR OTHER PURPOSES.  
13

### Subtitle

14 TO DESIGNATE THE ARKANSAS PUBLIC  
15 DEFENDER COMMISSION A CRIMINAL JUSTICE  
16 AGENCY FOR PURPOSES OF ARKANSAS CRIME  
17 INFORMATION CENTER ACCESS.  
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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 § 12-12-211, concerning access to records of  
24 the Arkansas Crime Information Center, is amended to add an additional  
25 subsection to read as follows:

26 (f)(1)(A) The Arkansas Public Defender Commission is considered a  
27 criminal justice agency for the purposes of Arkansas Crime Information Center  
28 access.

29 (B) The commission shall have one (1) terminal located in  
30 the commission's central office from which Arkansas Crime Information Center  
31 searches may be conducted.

32 (2)(A) The Executive Director of the Arkansas Public Defender  
33 Commission shall designate one (1) person of the commission staff to conduct  
34 Arkansas Crime Information Center searches who shall undergo a background  
35 examination prior to having access.

36 (B) Upon completion of the background examination required



1 by subdivision (g)(2)(A) of this section, the designated staff member may  
2 access Arkansas Crime Information Center files only for active cases handled  
3 by the commission, its public defenders, or for private attorneys appointed  
4 by the commission to represent indigent defendants.

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6 SECTION 2. Arkansas Code 12-12-1502(a), concerning the intent of the  
7 Arkansas State Criminal Records Act, is amended to read as follows:

8 (a) It is the intent of this subchapter to:

9 (1) Provide one (1) source for obtaining the most accurate and  
10 complete criminal history information;

11 (2) Allow dissemination of criminal history information to  
12 employers, professional licensing boards, and any entity mandated by Arkansas  
13 law to perform background checks through the Department of Arkansas State  
14 Police pertaining to all felony arrest information and all conviction  
15 information; ~~and~~

16 (3) With the written consent of the student or prospective  
17 student, allow electronic dissemination of criminal history information to an  
18 institution of higher education for a student enrolled in, and a prospective  
19 student seeking enrollment in, a medical, nursing, pharmacy, or other health-  
20 related course of study at an institution of higher education located in  
21 Arkansas; and

22 (4) Allow dissemination of criminal history information to the  
23 Arkansas Public Defender Commission for use in defense of criminal  
24 defendants. Expunged and sealed criminal history information shall be  
25 released to the commission only for the purposes of use for impeachment of  
26 witnesses.

27  
28 SECTION 3. Arkansas Code § 12-12-1503(11), concerning the definition  
29 of "requestor", is amended to read as follows:

30 (11) "Requestor" means the employer, professional licensing  
31 board, institution of higher education, Arkansas Public Defender Commission,  
32 or any entity mandated by Arkansas law to perform criminal background checks  
33 through the department that has submitted an inquiry into an individual's  
34 criminal history information under this subchapter; and

35  
36 SECTION 4. Arkansas Code § 12-12-1506 is amended to read as follows:

1 12-12-1506. Unrestricted information - Records - Immunity from civil  
2 liability.

3 (a)(1) All conviction information and felony arrest records may be  
4 disseminated as provided in this subchapter.

5 (2) Any criminal history information of felony arrest records  
6 and all conviction information which pertains to a person currently being  
7 processed by the criminal justice system, including the entire period of  
8 correctional supervision extending through final discharge from parole, may  
9 be disseminated without restriction.

10 (3)(A) The Identification Bureau of the Department of Arkansas  
11 State Police, the Arkansas Crime Information Center, or a third party shall  
12 be responsible for the maintenance of information pertaining to dissemination  
13 of criminal history information.

14 (B) The information pertaining to dissemination required  
15 to be maintained shall be retained for a period of not less than three (3)  
16 years for security purposes.

17 (4)(A)(i) Each requestor that is allowed access to criminal  
18 history information under this subchapter shall maintain in its files for at  
19 least three (3) years the written consent to obtain the criminal history  
20 information given by the applicant, employee, student, or prospective  
21 student.

22 (ii) Access to criminal history information and  
23 sealed or expunged records for the Arkansas Public Defender Commission is  
24 authorized without the consent of the subject of the request. However, the  
25 commission shall maintain records of the reason the dissemination was  
26 requested for a period of three (3) years.

27 (iii) Any requestor that is granted access to  
28 criminal history information under this subchapter shall not disseminate the  
29 criminal history information.

30 (B) These files and consent forms shall be subject to  
31 inspection by the Department of Arkansas State Police.

32 (b) This section allows the dissemination of information concerning  
33 persons who are required to register as sex offenders.

34 (c) A criminal justice agency and its employees and officials shall be  
35 immune from civil liability except in instances of gross negligence or  
36 intentional malice for dissemination of criminal history information under

1 *this subchapter.*

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*/s/ Lamoureux*

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