

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 H3/29/07

A Bill

HOUSE BILL 1285

5 By: Representative Lamoureux
6
7

For An Act To Be Entitled

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

Subtitle

14 *TO DESIGNATE THE ARKANSAS PUBLIC*
15 *DEFENDER COMMISSION A NONCRIMINAL*
16 *JUSTICE AGENCY FOR PURPOSES OF ARKANSAS*
17 *CRIME INFORMATION CENTER ACCESS.*
18
19
20

21 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
22

23 *SECTION 1. Arkansas Code 12-12-1502(a), concerning the intent of the*
24 *Arkansas State Criminal Records Act, is amended to read as follows:*

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

26 *(1) Provide one (1) source for obtaining the most accurate and*
27 *complete criminal history information;*

28 *(2) Allow dissemination of criminal history information to*
29 *employers, professional licensing boards, and any entity mandated by Arkansas*
30 *law to perform background checks through the Department of Arkansas State*
31 *Police pertaining to all felony arrest information and all conviction*
32 *information; ~~and~~*

33 *(3) With the written consent of the student or prospective*
34 *student, allow electronic dissemination of criminal history information to an*
35 *institution of higher education for a student enrolled in, and a prospective*
36 *student seeking enrollment in, a medical, nursing, pharmacy, or other health-*



1 related course of study at an institution of higher education located in
2 Arkansas; and

3 (4) Allow dissemination of criminal history information to the
4 Arkansas Public Defender Commission for use in defense of criminal
5 defendants. Expunged and sealed criminal history information shall be
6 released to the commission only for the purposes of use for impeachment of
7 witnesses.

8
9 SECTION 2. Arkansas Code § 12-12-1503(11), concerning the definition
10 of "requestor", is amended to read as follows:

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

16
17 SECTION 3. Arkansas Code § 12-12-1506 is amended to read as follows:
18 12-12-1506. Unrestricted information - Records - Immunity from civil
19 liability.

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

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

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

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

34 (4)(A)(i) Each requestor that is allowed access to criminal
35 history information under this subchapter shall maintain in its files for at
36 least three (3) years the written consent to obtain the criminal history

1 information given by the applicant, employee, student, or prospective
2 student.

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

8 (iii) Any requestor that is granted access to
9 criminal history information under this subchapter shall not disseminate the
10 criminal history information.

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

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

15 (c) A criminal justice agency and its employees and officials shall be
16 immune from civil liability except in instances of gross negligence or
17 intentional malice for dissemination of criminal history information under
18 this subchapter.

19
20 /s/ Lamoureux
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36