

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

SENATE BILL 242

5 By: Senators Luker, R. Thompson  
6 By: Representatives D. Johnson, Bond, E. Brown  
7

## For An Act To Be Entitled

10 AN ACT REGARDING THE RETENTION AND  
11 CONFIDENTIALITY OF CERTAIN COURT RECORDS; AND FOR  
12 OTHER PURPOSES.  
13

### Subtitle

14 AN ACT REGARDING THE RETENTION AND  
15 CONFIDENTIALITY OF CERTAIN COURT  
16 RECORDS.  
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19

20 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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22 SECTION 1. Arkansas Code § 13-4-302 is amended to read as follows:  
23 13-4-302. Court records.

24 All counties of the State of Arkansas shall maintain records for the  
25 county courts as follows, if they are currently being maintained:

26 (1) For circuit court, civil and criminal, ~~chancery~~ domestic  
27 relations, juvenile, ~~paternity-bastardy~~, and probate records:

28 (A) Permanently maintain:

29 (i) Complete case files and written exhibits for all  
30 courts;

31 (ii) Case indices for all courts;

32 (iii) Case dockets for all courts;

33 (iv) Grand jury reports;

34 (v) Grand juror lists; ~~and~~

35 (vi) Petit jury lists in criminal cases;

36 (vii) Original records, documents, and transcripts



1 relating to the summoning of jurors and jury selection for a petit jury in a  
2 criminal case; and

3 (viii) All probate records required to be maintained  
4 under § 28-1-108;

5 (B) Maintain for ten (10) years, after audit by the  
6 Division of Legislative Audit:

- 7 (i) Records and reports of costs; and
- 8 (ii) Fees assessed and collected; and

9 (C) Maintain for three (3) years, after audit by the  
10 Division of Legislative Audit:

- 11 (i) Cancelled checks;
- 12 (ii) Bank statements; and
- 13 (iii) Petit ~~juror~~ jury lists in civil cases and  
14 original records, documents, and transcripts relating to the summoning of  
15 jurors and jury selection for a petit jury in a civil case;

16 (2) For county court records:

17 (A) Permanently maintain:

- 18 (i) County court record;
- 19 (ii) Cemetery permits;
- 20 (iii) Statement of receipt and expenditures; and
- 21 (iv) County improvement districts; and

22 (B) Maintain for ten (10) years, after audit by the  
23 Division of Legislative Audit:

- 24 (i) County court file;
- 25 (ii) County general claims docket;
- 26 (iii) County road claims docket;
- 27 (iv) Contracts for lease-purchase on rental  
28 payments;
- 29 (v) County school board financial reports;
- 30 (vi) Solid waste disposal revenue bonds; and
- 31 (vii) Allocation of state funds for solid waste  
32 disposal; and

33 (3) For quorum court records:

34 (A) Permanently maintain:

- 35 (i) Ordinance, appropriation ordinance, and  
36 resolution register;

- 1 (ii) Record of proceedings;
- 2 (iii) Codification of ordinances;
- 3 (iv) Register of county advisory and administrative
- 4 boards;
- 5 (v) Appointments to subordinate service districts;
- 6 and
- 7 (vi) Quorum court minutes; and
- 8 (B) Maintain for one (1) year: Treasurer’s monthly
- 9 financial report.

10  
 11 SECTION 2. Arkansas Code Title 16, Chapter 32, Subchapter 1 is amended  
 12 to add an additional section to read as follows:

13 16-32-111. Confidentiality of juror information.

14 (a) As used in this section, “juror information” means:

- 15 (1) An original or a copy of a list of potential jurors;
- 16 (2) A list of potential jurors who were sworn and qualified;
- 17 (3) Any response to a juror questionnaire; and
- 18 (4) A list of an individual venire panel.

19 (b) Any juror information submitted to a circuit court or circuit  
 20 clerk from which the identity of a particular juror can be determined is  
 21 confidential and shall not be released or otherwise made available except:

- 22 (1) To any attorney eligible to represent a party in a
- 23 proceeding before the circuit court;
- 24 (2) To a party appearing pro se in a proceeding before the
- 25 circuit court and limited to the juror information relevant to that
- 26 particular proceeding;
- 27 (3) For any audit or similar activity conducted with the
- 28 administration of any plan or program by any governmental agency that is
- 29 authorized by law to conduct the audit or activity; or
- 30 (4) To a grand jury or court upon a finding that the juror
- 31 information is necessary for the determination of an issue before the grand
- 32 jury or court.

33 (c)(1) The circuit clerk shall require a signed receipt from any  
 34 person who receives juror information under subsection (b) of this section.

35 (2) The signed receipt shall be maintained in the jury records  
 36 of the circuit clerk.

1           (d)(1) Except as provided in subdivision (d)(2) of this section, no  
 2 person to whom disclosure is made under this section may disclose to any  
 3 other person juror information obtained under this section.

4           (2) Disclosure of juror information may be made to the following  
 5 persons without violating subdivision (d)(1) of this section:

6                   (A) A client or a legally authorized representative of a  
 7 client of an attorney who receives the juror information;

8                   (B) An employee of an attorney who receives the juror  
 9 information;

10                   (C) An attorney associated with an attorney who receives  
 11 the juror information; or

12                   (D) A person with whom an attorney or a party appearing  
 13 pro se who receives the juror information may consult or confer regarding  
 14 potential jurors in a specific case.

15           (e) A disclosure of juror information in violation of this section is  
 16 a Class C misdemeanor.

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 18           SECTION 3. Arkansas Code § 16-33-101 is amended to read as follows:  
 19           16-33-101. Examination of prospective jurors.

20           (a) In all cases, both civil and criminal, the court shall examine all  
 21 prospective jurors under oath upon all matters set forth in the statutes as  
 22 disqualifications.

23           (b) Further questions may be asked by the court or by the attorneys in  
 24 the case, in the discretion of the court.

25           (c)(1)(A)(i) If a court utilizes prospective juror questionnaires, the  
 26 questionnaires may request a prospective juror's mailing or residential  
 27 address or phone number.

28                   (ii) However, the address and phone number shall be  
 29 redacted from the questionnaires before providing completed questionnaires to  
 30 the attorneys for the parties.

31                   (B) The attorneys for the parties shall be precluded from  
 32 asking for that information during voir dire.

33                   (C) However, the attorneys or the court may ask a  
 34 prospective juror his or her city or town of residence.

35           (2) ~~Nothing~~ Except as provided in § 13-4-302, nothing in this  
 36 section shall preclude the clerk of the court from keeping and maintaining

1 records of potential jurors that contain mailing or residential addresses or  
2 phone numbers.

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