

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: S2/22/07

A Bill

SENATE BILL 242

5 By: Senators Luker, R. Thompson
6 By: Representatives D. Johnson, Bond, E. Brown
7
8

For An Act To Be Entitled

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

Subtitle

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

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 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) Upon application by any person, and findings on the record for
 20 good cause, any juror information submitted to a circuit court or circuit
 21 clerk from which the identity of a particular juror can be determined is
 22 confidential and shall not be released or otherwise made available except:

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

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

36 (2) The signed receipt shall be maintained in the jury records

1 of the circuit clerk.

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

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

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

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

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

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

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

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19 SECTION 3. Arkansas Code § 16-33-101 is amended to read as follows:
20 16-33-101. Examination of prospective jurors.

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

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

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

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

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

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

36 (2) ~~Nothing~~ Except as provided in § 13-4-302, nothing in this

1 section shall preclude the clerk of the court from keeping and maintaining
2 records of potential jurors that contain mailing or residential addresses or
3 phone numbers.

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/s/ Luker