

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 87th General Assembly
3 Regular Session, 2009
4

A Bill

HOUSE BILL 1051

5 By: Representative Greenberg
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For An Act To Be Entitled

8 AN ACT CONCERNING THE DISSEMINATION OF CRIMINAL
9 HISTORY INFORMATION; AND FOR OTHER PURPOSES.
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Subtitle

11 AN ACT CONCERNING THE DISSEMINATION OF
12 CRIMINAL HISTORY INFORMATION.
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17 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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19 SECTION 1. Arkansas Code § 12-12-1001 is amended to read as follows:
20 12-12-1001. Definitions.

21 As used in this subchapter:

22 (1)(A) "Administration of criminal justice" means performing
23 functions of investigation, apprehension, detention, prosecution,
24 adjudication, correctional supervision, or rehabilitation of accused persons
25 or criminal offenders.

26 (B) "Administration of criminal justice" also includes
27 criminal identification activities and the collection, maintenance, and
28 dissemination of criminal justice information;

29 (2) "Agency director" means the executive head of an agency,
30 department, board, commission, bureau, council, or other agency of the state;

31 ~~(2)(3)~~ "Arrest tracking number" means a unique number assigned
32 to an arrestee at the time of each arrest that is used to link that arrest to
33 the final disposition of that charge;

34 ~~(3)(4)~~ "Central repository" means the Arkansas Crime Information
35 Center, which is authorized to collect, maintain, and disseminate criminal
36 history information-;



1 ~~(4)~~(5) “Conviction information” means criminal history
 2 information disclosing that a person has pleaded guilty or nolo contendere
 3 to, or was found guilty of, a criminal offense in a court of law, together
 4 with sentencing information;

5 ~~(5)~~(6)(A) “Criminal history information” means a record compiled
 6 by a central repository or the Identification Bureau of the Department of
 7 Arkansas State Police on an individual consisting of names and identification
 8 data, notations of arrests, detentions, indictments, informations, or other
 9 formal criminal charges. This record also includes any dispositions of the
 10 charges, as well as notations on correctional supervision and release.

11 (B) “Criminal history information” does not include
 12 fingerprint records on individuals not involved in the criminal justice
 13 system, or driver history records;

14 ~~(6)~~(7) “Criminal history information system” means the
 15 equipment, procedures, agreements, and organizations thereof, for the
 16 compilation, processing, preservation, and dissemination of criminal history
 17 information;

18 ~~(7)~~(8) “Criminal justice agency” means a government agency, or
 19 any subunit of a government agency, which is authorized by law to perform the
 20 administration of criminal justice, and which allocates more than one-half
 21 ($\frac{1}{2}$) its annual budget to the administration of criminal justice;

22 ~~(8)~~(9) “Criminal justice official” means an employee of a
 23 criminal justice agency performing the administration of criminal justice;

24 ~~(9)~~(10)(A) “Disposition” means information describing the
 25 outcome of any criminal charges, including notations that law enforcement
 26 officials have elected not to refer the matter to a prosecutor, that a
 27 prosecutor has elected not to commence criminal proceedings, or that
 28 proceedings have been indefinitely postponed.

29 (B) “Disposition” also ~~include~~ includes acquittals,
 30 dismissals, probations, charges pending due to mental disease or defect,
 31 guilty pleas, nolle prosequi, nolo contendere pleas, findings of guilt,
 32 youthful offender determinations, first offender programs, pardons, commuted
 33 sentences, mistrials in which the defendant is discharged, executive
 34 clemencies, paroles, releases from correctional supervision, or deaths;

35 ~~(10)~~(11) “Dissemination” means disclosing criminal history
 36 information or the absence of criminal history information to any person or

1 organization outside the agency possessing the information;

2 (12)(A) "Elected official" means any person elected by qualified
3 electors to a municipal, county, or state office.

4 (B) "Elected official" includes a person elected to the
5 office of constable;

6 ~~(11)~~(13) "Expunge" means to restrict access to specific criminal
7 justice purposes as other laws permit;

8 ~~(12)~~(14) "Identification Bureau" means the Identification Bureau
9 of the Department of Arkansas State Police, which may maintain fingerprint
10 card files and other identification information on individuals;

11 ~~(13)~~(15)(A) "Juvenile aftercare and custody information" means
12 information maintained by the Division of Youth Services of the Department of
13 Human Services regarding the status of a juvenile committed to or otherwise
14 placed in the custody of the division from the date of commitment until the
15 juvenile is released from aftercare or custody, whichever is later.

16 (B) "Juvenile aftercare and custody information" may
17 include the name, address, and phone number of a contact person or entity
18 responsible for the juvenile;

19 ~~(14)~~(16) "Nonconviction information" means arrest information
20 without disposition if an interval of one (1) year has elapsed from the date
21 of arrest and no active prosecution of the charge is pending, as well as all
22 acquittals and all dismissals; and

23 ~~(15)~~(17) "Pending information" means criminal history
24 information in some stage of active prosecution or processing.

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26 SECTION 2. Arkansas Code § 12-12-1010 is amended to read as follows:
27 12-12-1010. Dissemination for other purposes.

28 (a)(1) Criminal history information shall be made available to:

29 (A) the Governor for purposes of carrying out the Governor's
30 constitutional authority involving pardons, executive clemencies,
31 extraditions, or other duties specifically authorized by law; and

32 (B)(i) A person requesting the criminal history of:

33 (a) An elected official;

34 (b) A candidate to serve as an elected official; or

35 (c) An agency director.

36 (ii) Criminal history information requested under

1 subdivision (a)(1)(B) of this section shall be:

2 (a) Redacted to identify only offenses in
3 which the individual was found guilty or plead guilty or nolo contendere; and

4 (b) Provided at no charge to the requestor.

5 (2) Criminal history information may be made available to:

6 (A) Persons performing research related to the
7 administration of criminal justice, subject to conditions approved by the
8 central repository or the Identification Bureau of the Department of Arkansas
9 State Police to assure the security of the information and the privacy of
10 individuals to whom the information relates; and

11 (B) Private contractors providing penitentiary services to
12 a governmental criminal justice agency pursuant to a specific agreement
13 approved by the Arkansas Crime Information Center which limits the use of the
14 information to the purposes for which given to ensure the security and
15 confidentiality of the information.

16 (b)(1) Criminal history information shall be made available according
17 to the provisions of the National Crime Prevention and Privacy Compact, 42
18 U.S.C. § 14616, as it existed on January 1, 2001.

19 (2)(A) The General Assembly approves and ratifies the National
20 Crime Prevention and Privacy Compact, 42 U.S.C. § 14616, as it existed on
21 January 1, 2001, and the compact shall remain in effect until legislation is
22 enacted renouncing the compact.

23 (B) The Director of the Arkansas Crime Information Center,
24 the repository of criminal history records, shall execute, administer, and
25 implement the compact on behalf of the state and may adopt necessary rules,
26 regulations, and procedures for the national exchange of criminal history
27 records for noncriminal justice purposes.

28 (C) Ratification of the compact does not affect the
29 obligations and responsibilities of the center regarding the dissemination of
30 criminal history records within Arkansas.

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