

State of Arkansas

87th General Assembly

Regular Session, 2009

A Bill

SENATE BILL 299

By: Senators H. Wilkins, Crumbly, Elliott, Steele

By: Representatives Allen, T. Baker, Blount, Carroll, Davis, Rainey, Williams, Word

For An Act To Be Entitled

AN ACT TO REESTABLISH A TASK FORCE ON RACIAL
PROFILING; TO REQUIRE ALL LAW ENFORCEMENT
OFFICERS WHO STOP A VEHICLE FOR THE VIOLATION OF
NOT WEARING A SEATBELT AS A PRIMARY OFFENSE TO
RECORD INFORMATION ABOUT THE DRIVER OR PASSENGERS
SO AS TO NOT VIOLATE THE PROHIBITION AGAINST
RACIAL PROFILING; AND FOR OTHER PURPOSES.

Subtitle

AN ACT TO REESTABLISH A TASK FORCE ON
RACIAL PROFILING AND CONCERNING THE
COLLECTION OF INFORMATION BY LAW
ENFORCEMENT STOPS OF DRIVERS FOR FAILING
TO WEAR A SEAT BELT.

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

SECTION 1. SPECIAL LANGUAGE – NOT TO BE CODIFIED.

Task Force on Racial Profiling established.

(a)(1) The task forces created by Acts 2003, No. 1207, and Acts 2005, No. 2136, expired, respectively, on December 31, 2004, and December 31, 2006. Since additional work by a task force is needed, there is created a task force, consisting of thirteen (13) members, to be known as the “Task Force on Racial Profiling”.

(2) The Governor shall appoint the members as follows:

(A) Four (4) members shall be active or retired law



1 enforcement officers or prosecuting attorneys;

2 (B) Three (3) members shall be associated with civil rights
3 or community organizations;

4 (C) Two (2) members shall be lawyers practicing
5 substantially in the field of criminal defense; and

6 (D) Four (4) members shall be citizen representatives.

7 (b)(1) Within thirty (30) days after all members are appointed, the
8 members shall meet to organize at a time and place determined by the
9 Governor.

10 (2) The task force shall select a member to serve as chair each
11 year.

12 (3) The task force shall meet as necessary to carry out its
13 duties under this act and at the call of the chair.

14 (c) There shall be no compensation for the members of the task force,
15 though each member may receive expense reimbursement in accordance with
16 Arkansas Code § 25-16-902 to the extent funds are available.

17 (d) General staff support, facilities, and operating assistance for
18 the task force may be provided by the Governor's office.

19 (e) The task force shall:

20 (1) Monitor implementation and compliance with § 12-12-1401 et
21 seq., and reforms enacted by the Eighty-Seventh General Assembly;

22 (2) Serve in an advisory capacity to the Director of the
23 Department of Arkansas State Police and the State Board of Education
24 regarding the public education and awareness campaigns on racial profiling;

25 (3) Study the effectiveness and feasibility of a racial
26 profiling data collection requirement in the State of Arkansas;

27 (4) Work with law enforcement agencies and civil rights advocates
28 to determine an effective and appropriate penalty for violating the
29 prohibition on racial profiling;

30 (5) Compile an annual report of all complaints and investigations
31 regarding racial profiling and provide the report to the Governor,
32 Legislative Council, and Arkansas Legislative Black Caucus of the General
33 Assembly;

34 (6) Report its findings and recommendations to the Governor and
35 Legislative Council before December 31, 2011; and

36 (7) Facilitates an annual symposium on racial profiling for the

Governor's office, Arkansas Legislative Black Caucus of the General Assembly, Department of Arkansas State Police, and other interested persons to:

(A) Serve as a forum for dialogue to promote awareness and understanding of racial profiling between the public, law enforcement agencies, and other government agencies;

(B) Disseminate information and materials about the best practices toward combating misinformation and prejudice;

(C) Provide assistance to community leaders and law enforcement agencies in the fight against racial profiling; and

(D) Advocate and promote a state policy agenda that establishes the best practices for addressing racial profiling.

(f) The task force shall expire on June 30, 2012.

SECTION 2. Arkansas Code Title 12, Chapter 12, Subchapter 14, is amended to add a new section to read as follows:

12-12-1405. Failure to wear a seatbelt as a primary offense - Driver and passenger information requirement.

(a) A law enforcement officer of a law enforcement agency who stops a vehicle for the primary offense of failure to wear a seat belt under § 27-37-701 et seq. shall record the age, sex, and race of the driver in his or her police report, regardless of whether a citation is issued or arrest is made.

(b) A law enforcement agency that employs law enforcement officers engaged in the enforcement of traffic laws shall compile the information collected under subsection (a) of this section and submit an annual report by July 1 for the preceding year summarizing that information to both the Attorney General and the Task Force on Racial Profiling beginning on July 1, 2010.

(c) As used in this section, "law enforcement agency" means:

(1) The Department of Arkansas State Police;

(2) Arkansas Highway Police Division of the Arkansas State Highway and Transportation Department;

(3) A sheriff's department;

(4) A city or town police department if that city or town has more than five thousand (5,000) residents as determined by the most recent decennial census;

(5) A police department of an institute of higher education;

(6) The State Capitol Police; or

(7) A judicial district's drug task force, as authorized by § 5-64-501 et seq.

SECTION 3. Contingent effectiveness – Do not codify.

(a) Section 2 of this act is effective only if a law enacted by the Eighty-Seventh General Assembly establishes failure to wear a seat belt as a primary offense under § 27-37-701 et seq.