

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

# A Bill

SENATE BILL 360

4  
5 By: Senator Luker  
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## For An Act To Be Entitled

8  
9 AN ACT CONCERNING THE PROCEDURE FOR SEALING  
10 CRIMINAL RECORDS; AND FOR OTHER PURPOSES.  
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### Subtitle

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13 CONCERNING THE PROCEDURE FOR SEALING  
14 CRIMINAL RECORDS.  
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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 § 16-90-904 is amended to read as follows:  
20 16-90-904. Procedure for sealing of records.

21 (a) Any individual who is eligible to have an offense expunged may  
22 file a uniform petition to seal records, as described in § 16-90-905, with  
23 the circuit court in the county where the crime was committed.

24 (b)(1)(A) A copy of the uniform petition for sealing of the record  
25 shall be served upon the prosecuting authority for the county in which the  
26 petition is filed, ~~and upon~~ the arresting agency, and any city court or  
27 district court where the individual appeared before the transfer of the case  
28 to circuit court.

29 (B) ~~However, it~~ It shall not be necessary to make any  
30 agency a party to the action.

31 (2)(A) Any person desiring to oppose the sealing of the record  
32 shall file a notice of opposition with the court setting forth reasons within  
33 thirty (30) days after receipt of the uniform petition or after the uniform  
34 petition is filed, whichever is the later date.

35 (B) If no opposition is filed, the court may grant the  
36 petition.



1 (C) If notice of opposition is filed, the court shall set  
2 the matter for a hearing.

3 (c) If the court determines that the record should be sealed, the  
4 uniform order, as described in § 16-90-905, shall be entered and filed with  
5 the circuit clerk.

6 (d) The clerk of the court shall certify copies of the uniform order  
7 to the prosecuting attorney who filed the underlying charges, the arresting  
8 agency, any city court or district court where the individual appeared before  
9 the transfer of the case to circuit court, the Administrative Office of the  
10 Courts, and the Arkansas Crime Information Center.

11 (e)(1) The circuit clerk and the clerk of any city court or district  
12 court where the individual appeared before the transfer of the case to  
13 circuit court shall remove all petitions, orders, docket sheets, and  
14 documents relating to the case, place them in a file, and sequester them in a  
15 separate and confidential holding area within the clerk's office.

16 (2)(A) A docket sheet shall be prepared to replace the sealed  
17 docket sheet.

18 (B) The replacement docket sheet shall contain the docket  
19 number, a statement that the case has been sealed, and the date that the  
20 order to seal the record was issued.

21 (3) All indices to the file of the individual with a sealed  
22 record shall be maintained in a manner to prevent general access to the  
23 identification of the individual.

24 (f) Upon notification of an order to seal records, all circuit clerks,  
25 city clerks, district clerks, arresting agencies, and other criminal justice  
26 agencies maintaining such conviction records in a computer-generated database  
27 shall either segregate the entire record into a separate file or ensure by  
28 other electronic means that the sealed record shall not be available for  
29 general access unless otherwise authorized by law.

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